The Nation. February 24, 1979 $1

THE MONDALE MEMO

We lift a corner of the veil shrouding the actual priorities of the Carter Administration by publishing inside substantial parts of a memorandum from the Vice President to the Cabinet. The Vice Presidential memo, headed "1979 Agenda," comprises a list of the "nonlegislative" priorities for the upcoming year. Its date (January 13) places its issuance ten days before the State of the Union Message, in which the President presented to the Congress his legislative and budgetary shopping list.

Read attentively, the Mondale memo is a revealing one. While we welcome this effort to establish an orderly sequence of nonlegislative actions, rather than simply lying back and letting the bureaucratic waves roll over, we must question the intensity and order of many of these priorities. For instance, the Administration's number-one anti-inflation priority is listed as "Labor Negotiations." The absence of any mention of prices in the anti-inflation canon leads one to assume that labor, not business, will do all the fighting in the Ayatollah Kahn's cost-of-living jihad. We note, in addition, the extreme modesty of the goals on environmental affairs.

In a recent letter soliciting donations to the Democratic Party, the President vowed that his Administration was bent on "eliminating regulations, stopping Government interference in your private life." But the Mondale memo, being "nonlegislative," is a veritable cornucopia of regulatory concerns. So much for the elimination of regulations. Whatever the Administration's latest style in rhetoric, as dictated by current fashions in political economy, it simply cannot abandon the regulatory foundations to the special-interest termites in the higher

(Continued on Page 195)

TAIWAN QUESTIONS
O. Edmund Clubb

GULF FIRES ITS DEALERS
James Gannon

DISORGANIZED LABOR
Sidney Lens

COLD-WAR CINEMA I
Nora Sayre

BUKOVSKY'S DISSENT
Terrence Des Pres

JUDGE WATCH: BELL'S BOY

THE BERRELLEZ CASE

THE BLACK ART OF GRAYMAIL

CARL KAPLAN
and RANDALL ROTHENBERG

On February 8, the Government announced that it was dropping perjury charges against Robert Berrellez—and thereby hangs a tale; or, more precisely, a piece of mail.

A while ago, a bulky, brown envelope arrived at the offices of *The Nation*. The envelope had no return address and there was no explanation of who had sent it, or why. It contained sealed transcripts of a closed-court hearing that took place in Washington last October. The hearing was part of the perjury prosecution of Robert Berrellez, a high I.T.T. official who was stationed in Chile at the time of the election of Salvadore Allende.

It is alleged in the transcripts that Berrellez, who was I.T.T.'s director of inter-American relations in Santiago, lied, at the behest and with the aid of the C.I.A., before Senator Frank Church's 1973 Senate subcommittee investigating the links between the C.I.A. and I.T.T. in Chile.

Subsequent investigations have established the authenticity of the transcripts, but the identity of their sender remains a mystery. The Berrellez case raises a number of important questions about the use and abuse of the "national security" defense in criminal cases involving the intelligence community. The case also lays bare a profound issue of justice: how can the Government proceed against a defendant whose defense threatens to expose in open court information the Government rightly or

(Continued on Page 209)

LICENSED TO AIN1.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LETTERS.

MORE ON ABORTION

Weare, N.H.

I was disappointed that Aryeh Neier ["Theology and the Constitution," *The Nation*, Dec. 30.] sees no substance in anti-abortion sentiment apart from Catholic objections. As a non-Christian, I believe life begins long after conception; but I cannot entirely deny that it begins some weeks before birth.

Let me propose a valid secular purpose--to minimize the number of abortions which are becoming something of an epidemic. Abortion only encourages a nonsolution to the dilemma of the pregnant woman who wishes she were not pregnant. Government funding therefore should be ruled out.

But. . .this will victimize the poorer women who cannot afford the price of an abortion. So, let the law establish a maximum charge for abortions—say $100. Doctors would then be deterred from performing any abortions unless the circumstances compelled their sympathy to the point where they would be willing to operate without profit.

Some confusion in the controversy results from talking as if pregnancy and childbirth are illnesses. Actually, of course, they are normal and healthy events. Abortion is in a class, not with illness but with other deliberate attempts to alter the normal condition of the body, such as vasectomy, lobotomy, face-lifting, tattooing, straightening of hair, etc. None of them would seem to have a valid claim on public funds.

Arthur Harvey

Alexandria, Va.

A "real, valid, secular purpose," which Aryeh Neier cannot discern for legislation barring Medicaid payments for abortions may readily be found in the encouragement of childbirth. The mere unwisdom of such a policy in America today—compare its merits in an underpopulated country or age—does not, obviously, invalidate it as an impermissible legislative purpose. Nor does the fact that such a policy would be at odds with other, related Government policies indicate anything more than that the Government can speak with two tongues about the same subject. This may be stupid, but it is not even unusual. Consider the Government's anti-smoking campaign and its subsidy of tobacco growers.

The mere fact that legislators may believe such a policy to comport with given religious views does not invalidate it. For unlike laws for which no rational secular purpose can be articulated (e.g., legislation prohibiting the teaching of Darwinian theory of evolution), legislation barring public funding of abortions can be justified on the wholly secular ground of encouraging childbirth. Surely many religious legislators—consider those who are members of the clergy—may support, on religious grounds, legislation or policies which manifestly serve valid secular purposes. Civil rights acts are not unconstitutional because their enactors may have believed that they reflect, or are demanded by, the teachings of the Prophets.

The reason that legislation barring Medicaid payments for abortion is wrong and should be opposed is because it constitutes discrimination against the poor. As such it merely reflects a society and a system of justice which permit the poor to go ill fed, ill clothed, ill housed and ill educated, and which effectively denies them assured access to medical care. Such a society and system of justice are not doing anything out of character in denying poor women the right not to bear unwanted children. It is doubtful that the judiciary's refusal to date to analyze the matter in this way warrants the attempt—such as the one currently being made in the *McRae* case—to oppose the Medicaid abortion cutoff on the dubious, not to say anti-civil libertarian, ground of alleged religious purpose, rather than the devising of a long-term judicial, legislative and educational program to gain for the poor all the rights now effectively denied them, of which the right to abortion is but one, and not the most fundamental one at that.

Cristina Leckie

FREEDMAN'S REBUTTAL

New York City

Aryeh Neier has somehow managed to miss the point of my previous letter regarding anti-abortion legislation [*The Nation*, Jan. 20]. Congress can constitutionally legislate to protect a fetus simply because it is a fetus—that is, as the dictionary defines it, the embryo of a human being.

But perhaps I have misunderstood Mr. Neier. If he can successfully demonstrate that anti-abortion legislation is (to use his phrase) "grounded exclusively" in religious dogma, then I would concede that such legislation would violate the establishment clause. Although I support the woman's right to choose abortion, I find it difficult to believe that Mr. Neier can demonstrate that none of the support for anti-abortion legislation is based upon a humanistic, moral or busybody desire to protect the fetus simply because it is the embryo of a human being. *Monroe H. Freedman*

Professor of Law
Hofstra University

NEIER'S SUMMATION

New York City

The views of Leckie and Freedman are reminiscent of the debate in the opinions of the U.S. Supreme Court on the constitutionality of the Arkansas law forbidding the teaching of evolution. Justice Black speculated that the purpose might not have been religious and that, "It may be instead that the people's motive was merely that it would be best to remove this controversial subject from the schools." The majority of the Supreme Court quite properly refused to indulge in such speculation and asserted that, "there can be no doubt that Arkansas has sought to prevent its teachers from discussing the theory of evolution because it is contrary to the belief of some that the Book of Genesis must be the exclusive source of doctrine as to the origin of man. . . . It is clear that fundamentalist sectarian conviction was and is the law's reason for existence."

The proponents of the law restricting abortions in and out of Congress were explicit in denying that they were interested in saving potential human lives, an interest which would have been consistent with the purposes of "encouragement of childbirth" of which Leckie speculates and with the purpose of protecting "the embryo of a human being" of which Freedman speculates. Just as the history of the Arkansas law prohibiting the teaching of evolution made it clear that its purpose was to advance the doctrine of Genesis about the origin of man, so the history of the law restricting abortions makes it clear that its purpose is to advance the doctrine that the fetus is an actual human life. The brief in *McRae* documents exhaustively that this was the purpose and I defy Leckie and Freedman to come up with any evidence to support their speculation that the purpose was to encourage childbirth or protect an embryo for reasons other than saving actual human lives. *Aryeh Neier*

The Nation welcomes letters from readers. Please furnish name, address and zip code.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONTENTS.

Volume 228, No. 7

COVER
Editorial: The Mondale Memo
The Berrellez Case:
The Black Art of Graymail — *Carl Kaplan and Randall Rothenberg*

LETTERS
194

EDITORIALS
197 Judge Watch 4: Bell's Boy — *Dorothy J. Samuels and James A. Goodman*
199 *Variations* — *Calvin Trillin*
200 *Second Thoughts* — *Carey McWilliams*

ARTICLES
201 Chinese Checkmate: The Taiwan Question — *O. Edmund Clubb*
203 How Gulf Dealt Its Dealers Out — *James Gannon*
206 Disorganized Labor — *Sidney Lens*

BOOKS & THE ARTS
213 Cold-War Cinema I — *Nora Sayre*
216 Should the Moons Come Over (poem) — *Mark Rubin*
217 Bukovsky: To Build a Castle — *Terrence Des Pres*
219 Skvorecky: The Bass Saxophone — *George Blecher*
220 Films — *Robert Hatch*
221 Theater — *Harold Clurman*

Drawings by Seymour Chwast

Editor, Victor Navasky

Executive Editor, Richard Lingeman; *Literary Editor*, Elizabeth Pochoda; *Poetry Editor*, Grace Schulman; *Copy Editor*, Patricia Dowling; *Assistant Copy Editor*, Sydne Silverstein; *Assistant Editor*, Kai Bird; *Editorial Assistants*, Karen Wilcox, Amy Wilentz; *Editorial Secretary*, Ola Lyon.

Departments: *Art*, Lawrence Alloway; *Architecture*, Jane Holtz Kay; *Dance*, Nancy Goldner; *Films*, Robert Hatch; *Indigenous Music*, Nat Hentoff; *Music*, David Hamilton; *Press*, Richard Pollak; *Television*, Peter Sourian; *Theater*, Harold Clurman; *White House Correspondent*, Robert Sherrill. *Correspondents*: *Latin America*, Penny Lernoux; *London*, Raymond Williams; *Paris*, Claude Bourdet; *Bonn*, C. Amery; *Canberra*, C.P. Fitzgerald. *Columnists*: Carey McWilliams, Calvin Trillin. *Contributing Editor*, Blair Clark. *Editorial Board*: James Baldwin, Norman Birnbaum, Richard Falk, Frances FitzGerald, Philip Green, Sidney Morgenbesser, Aryeh Neier, Marcus Raskin, A.W. Singham, Alan Wolfe.

Publisher, Hamilton Fish

Advertising Manager, Susan Ellen Heitler; *Business Manager*, Ann B. Epstein; *Circulation Manager*, Gloria Sangster; *Production Coordinator*, Deborah Thomas; *Assistant to Publisher*, Karen Polk; *Staff*, John Holtz, Greta Loell; *Nation Associates*, Claudine Bacher. *Nation News Service*, Joanne Grant.

The Nation (ISSN 0027-8378) is published weekly (except for the first week in January, and biweekly in July and August) by Nation Enterprises and © 1979 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N.Y. 10014. Tel.: 212-242-8400. Second-class postage paid at New York, N.Y. and at additional mailing offices. International Telex: 667 155 NATION.

Subscription Price: One year, $21; two years, $37. Student rate $15 a year. Add $3 per year postage for Canada and Mexico; $5 other foreign. All foreign subscriptions must be paid in equivalent U.S. funds.

Change of Address: It is essential that subscribers ordering a change of address give four weeks' notice and provide their old as well as their new address. Please give zip code numbers for both addresses.

EDITORIALS.

(Continued from Front Cover)

cause of a "free enterprise" economy that hasn't existed since the Gilded Age.

The Mondale memorandum does make clear the extent of the Administration's commitment to, as the bureaucratese has it, "actions/decisions" for the benefit of the human inhabitants of the American environment. Behind the determined facade of economy and efficiency and "cost effectiveness," however, lurks an apprehensiveness about the reactions of liberals to the Administration's implementation of the not very rigorous environmental standards Congress has set. It may be that the Vice President has been assigned the task of quenching those fires—hence the memo. They will not be easy to put out.

The document does not provide a full picture of the concerns of the President as his Administration slides downhill toward the 1980 election (although the manner in which the fiscal fate of the City of New York is keyed into the election-year timetable is mildly instructive). What we have is an instant-camera snapshot of an Administration looking to the upcoming year and caught in an unguarded bureaucratic moment.

THE VICE PRESIDENT
WASHINGTON

January 13, 1979

MEMORANDUM FOR CABINET MEMBERS
FROM: THE VICE PRESIDENT
SUBJECT: 1979 AGENDA

Attached is a draft list of non-legislative decisions/actions which, for economic or other reasons, have been flagged for priority attention by the Administration. This list does not represent actions we necessarily wish to highlight publicly, but rather those which we should watch carefully and flag as matters which could generate substantial controversy and Congressional concern. By close-of-business Wednesday, could you please respond to this list, by:

—noting any additions or deletions you would like to make, with a brief description and explanation; and
—providing your best estimate of the timing of deci-

The Sherrod Library
EAST TENNESSEE STATE UNIVERSITY
Johnson City, Tennessee
FEB 20 1979
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sions/ actions shown on the attached draft and on any items you might wish to add to the list.

In addition, if your Department is pursuing major administrative actions which you believe the Administration should seek to emphasize publicly (e.g., internal reorganizations, program streamlining, reductions in paperwork, etc.), could you please note them in your response, together with a short explanation and your best estimate on timing.

Your responses can again be sent care of Gail Harrison, 286 Old Executive Office Building (456-6772).

V. NON-LEGISLATIVE PRIORITIES

(A) Anti-Inflation Priorities

(1) Labor Negotiations

1979 is an important year in terms of the number of collective bargaining agreements.

Major contract negotiations include:

Industry	Companies	Unions	Expiration Date
Petroleum Refining	Texaco, Standard Oil Co. (AMOCO), Atlantic Richfield, Shell, Mobil, Texaco, Exxon and others	Oil, Chemical and Atomic Workers (OCAW) and others	Jan. *
Construction	General Contractors of America (Light & Heavy construction) (Multi-state) (106 Agreements)	Various Construction Unions	Feb.-Dec.
Trucking	Over-the-Road & Local Cartage	Teamsters	March
Rubber	Goodyear, Firestone, Uniroyal, Goodrich	Rubber Workers	April
Clothing	Affiliated Dress Manufacturers, Greater Blouse, Skirt & Undergarment Assoc., National Skirt and Sportswear and others	Garment Workers	May
Electrical Products	General Electric, Westinghouse	Electrical Workers (IUE, UE)	June July
Meat Packing	Armour, Swift, Wilson Rath, Oscar Mayer, John Morrell, Dubuque	Meatcutters	August
Automobile	General Motors, Ford, Chrysler	Auto Workers	Sept.
Farm Implements	International Harvester, Deere, Caterpillar, Allis Chalmers	Auto Workers	Sept.

(2) Major Regulatory Actions

A working group currently oversees major regulatory actions. It will continue to monitor progress on the rules listed under departmental priority below and will use the Regulatory Calendar (to be issued in late February) to identify additional major rules to be issued throughout 1979. White House involvement and extensive Congressional consultations can be expected for:

—release of the first calendar

—announcement of a coordinated policy on regulation of carcinogens. (This can be a preliminary announcement in February and/or a statement of the policy in late spring.)

—a few particularly important regulations. (It is not possible to predict which ones at this time.)

(3) Administration of the Davis-Bacon and Service Contract Acts

At the request of the Economic Policy Group, OMB has established an inter-agency committee to review the Administration of the Davis-Bacon and Service Contract Acts. These two acts establish the way in which the Federal government pays construction workers and service workers for federally funded or federally assisted projects.

The inter-agency Committee, which includes the Departments of Defense, Energy, and Labor, GSA and NASA, as well as DMB, is expected to conclude its study by the end of January. Final Resolution of disputed issues may occur sometime in February.

(4) Agriculture

There are several agricultural administrative issues which we should watch carefully:

—Rice: By January 15.

—Meat: By September 15.

—Feed Grains: By November 15.

—Cotton: In December.

—Milk: If the mandatory 80% of parity floor for milk support levels is not extended by Congress and the floor falls to 75%, decisions will be needed on milk support price levels.

(Note: Should any further action be recommended on meat imports in 1979, it would be included in this category.)

(5) Fuel Economy Standards

DOT will be re-evaluating fuel economy standards for 1984 and 1985 model cars and setting standards for 1986 models. Average fuel economy standards are also expected for 1982-4 model year light trucks and vans. Both rulemakings—expected to be circulated for public comment in the spring—will have significant economic impacts. In addition, DOT has agreed to formally review the 1981 light truck standards.

(6) Nitrites

USDA and the Food and Drug Administration have requested a legal opinion from the Justice Department on draft regulations to allow gradual phase out of the use of nitrites in certain meat products (e.g., bacon), rather than an immediate prohibition. If Justice determines that the regulations are not consistent with the requirements of law, major economic impacts may occur as farmers respond to a possible ban or the uncertainties surrounding the need for new legislation through reduced production of pork. Lead Agency: USDA.

(7) EPA's Proposed New Source Performance Standards for Electric Utilities

The Regulatory Analysis Review Group (RARG) is reviewing the proposed new standards. Final regulations are expected in March.

(8) EPA's Revised Ozone Standards

The RARG is reviewing these standards; and final reg-

*The dates listed beside the union contracts were illegible so we have reproduced only the months.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ulations are expected by mid January.

(B) Other Non-Legislative Priorities

(1) Waste, Fraud, and Management Reform

Includes ongoing initiatives through implementation of the new Civil Service Reform Act, the Inspectors General units, and various task forces to reduce backlog and paperwork burden and simplify procedures. Could also include a new administrative initiative, in preparation by Scotty Campbell and OMB.

(2) RARE II

This initiative—which is both legislative and administrative—is likely to be highly controversial, involving use designations and boundary recommendations for 62 million acres of National Forest lands. Lead Agency: USDA.

(3) New York City

The new financial plan requires the City to achieve a balanced budget within four years. This will probably require the city, which has already cut its work force by 20%, to reduce it by another 20%. There are questions as to whether it will be feasible for the Mayor to achieve these cutbacks. Moreover, the plan is structured so that the most difficult deficit reduction actions, which might precipitate city-wide municipal strikes, must be taken in the spring and summer of 1980. Lead Agency: Treasury. Ongoing.

(4) Fair Housing Regulations

HUD will be drafting substantive regulations to implement Title VIII, the Fair Housing Act. Legislation could also be submitted as noted under Legislative Priorities. Lead Agency: HUD.

(5) Judgeships

The filling of the 152 new judgeships will require significant time and attention.

(6) Mexican Gas and Oil

Decisions will be needed, probably in the context of the Mexico PRM, on whether to initiate natural gas negotiations with Mexico. Depending on the price parameters for the purchase of gas, this could engender substantial Congressional reaction. Early to Mid-February.

(7) Alaskan Crude Oil Transportation

DOE is required by law to submit to the Congress in early 1979 a report and recommendations on routes for West-East transportation of Alaskan Crude Oil. Lead Agency: DOE and DOI. Timetable unknown at this time.

(8) Federal Coal Leasing

Interior will be completing the formulation of a new coal leasing and management program in 1979. Recent criticism of continued speculation in federal coal holdings, pressure to lease more western coal, initiatives to exchange coal leases to prevent development of environmentally damaging sites, and BLM land use planning are all controversial. Lead Agency: DOI.

(9) Alaska Oil Swaps

By law, a Presidential decision is required to permit export of Alaskan oil, and that decision is subject to Congressional review and override. In spite of potential balance of payments benefits, Congressional sentiment runs high, particularly in the Midwest, against such a swap. Substantial work may be necessary with outside groups to build support for such a swap. Might be linked with recommendations for transportation of Alaskan crude to domestic markets, if they can be prepared in time.

(10) OCS Regulations

Implementation of the new OCS law and continued planning and leasing of specific sales will be controversial. Regulations will be required under the new law. Lead Agency: DOC. Timing uncertain.

(11) Water Policy Implementation

Most of the actions in water policy are administrative rather than legislative. Interior is responsible for coordinating implementation but continuing EOP involvement is necessary. The water project review function must become operative in the next few months; the Principles and Standards modifications and implementation guidelines will be completed next year; many other agencies are undertaking water conservation and other water policy initiatives. Congressional oversight of water policy activities is also expected. Lead Agencies: DOI, OMB, Corps of Engineers. Ongoing.

(12) Accessibility of the Handicapped

DOT is in the final rule-making stage on implementation of Section 504 of the Rehabilitation Act, prohibiting discrimination against the elderly and the handicapped in federally-funded programs. The regulation would have a major economic impact and is highly controversial. Lead Agency: DOT. Timing uncertain.

(13) Rural Initiatives

Possible administrative initiatives to improve service delivery to rural Americans (e.g., rural transportation). Timing dependent upon individual policy decisions.

JUDGE WATCH 4

Bell's Boy

Georgia's Democratic Senators Herman Talmadge and Sam Nunn were among the first to follow Carter's lead in establishing citizen commissions to help choose Federal District Court judges in their state. But Federal judge selection in the President's own backyard is hardly a showpiece for the nation.

The choice of W. Homer Drake, an old friend of Attorney General Griffin Bell, as one of the six recommended to the President for new district judgeships in Georgia must surely rank as the most cynical act of cronyism in the short history of the Omnibus Judgeship Act. Although he is up to his neck in a well-publicized scandal, Drake seems to be headed for the Federal bench—thanks to the political connections that got him into trouble in the first place.

In January 1978, Drake and Irwin Stolz, both former Georgia state judges and members of the Atlanta law firm of Swift, Currie, McGhee and Hiers, were enlisted by Joseph Tonelli, then president of the United Paperworkers International Union, in an unsuccessful attempt to head off Tonelli's indictment for stealing union funds. Tonelli, who was recently sentenced to a prison term following a guilty plea to embezzlement and obstruction of justice charges, sought

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Drake out when he learned of Drake's close ties to the Attorney General from a contact in the Labor Department. Stolz is a longtime friend of President Carter.

Drake's firm was retained by Tonelli on the pretext that it would represent the union in equal employment opportunity cases in the South. Court documents in the trial of Tonelli's subordinate Henry Segal show, however, that the services Drake and Stolz actually rendered involved political influence peddling for Tonelli.

Among other services, Drake and Stolz wrote to Attorney General Bell and met with Bell's assistant J. Michael Kelly at the Justice Department to complain of Tonelli's "harassment" by attorneys from the Brooklyn Organized Crime Strike Force who had been investigating Tonelli's finances. Kelly then sent a memorandum to Deputy Attorney General Benjamin Civiletti reporting that Drake and Stolz had made "a strong plea that no indictment should be issued before the Attorney General or the Deputy Attorney General has had a chance to determine that an indictment is proper either on the ground of policy or because some other facts about Mr. Tonelli are known to the United States Attorney that are not known by Mr. Tonelli or his attorneys." Kelly asked that Civiletti have the Department's Criminal Division review the matter to determine if the investigation was being "handled in a responsible, ethical manner." It is reported that this review had the effect of delaying Tonelli's indictment several months. (In an act of ultimate gall, Stolz later offered Tonelli's services to Kelly, to lobby Tonelli's "personal friend" Peter Rodino, chairman of the House Judiciary Committee, for passage of the omnibus judgeship legislation.)

Following Drake and Stolz's meeting with Kelly, Tonelli had a $50,000 check, drawn on the union strike fund, made out to Drake's firm. This was a retainer, Tonelli wrote Drake, for "any litigations pertaining to Civil Rights, EEOC and any other special litigations for this Union and its officials which you can best handle." In fact, the firm managed to run up $40,000 in fees, travel and other expenses while wheeling and dealing to thwart the Government's investigation of Tonelli. When it learned that the grand jury had become interested in the expenditure of union funds for this purpose, Drake's firm decided not to charge the $40,000 against the retainer. Suddenly, the firm developed an avid interest in the union's civil rights litigation. (The grand jury later charged Tonelli with embezzling the $50,000 that was paid to Drake's firm to "intercede" on his personal behalf.)

The grand jury did not indict Drake and Stolz for obstruction of justice in the Tonelli affair, but their role as political fixers in the episode cannot be overlooked. How the Georgia judge selection commission rationalized Drake's involvement is not known. In view of Bell's deep interest in Georgia's judge selection (see Samuels and Goodman, "Byrd's Ploy, Adlai's Pals," *The Nation*, Jan. 20), it is unlikely that Drake was proposed without Bell's approval.

In addition to Drake, the other Georgians slated for new Federal district judgeships are three state judges—Ernest Tidwell, Robert Vining and Horace Ward—former bankruptcy judge Dudley Bowen, and Nunn campaign finance chairman Marvin Shoob. Associate Attorney General Michael Egan, who handles judge selection matters for the Justice Department, says that Talmadge and Nunn picked these names from a larger list, which included women, submitted by their selection commissions.

Horace Ward, a black judge from Atlanta, has had involvement in the civil rights movement, but other highly regarded activist lawyers such as black attorney Jack Ruffin and national American Civil Liberties Union general counsel Margie Pitts Hames were interviewed and then bypassed in favor of choices more acceptable to the state political establishment. There are reports that Bell has talked to Senators Talmadge and Nunn about the possibility of bumping Dudley Bowen to make room for Ruffin. The selection commission for southern Georgia rated Ruffin above Bowen, who has political ties to Nunn.

The skepticism toward candidates with activist backgrounds was evident during Hames's interview last October with the commission for Georgia's northern district. "You are Atlanta's best-known reformer," began commission member Sidney Smith, "and the question I have is whether you are willing to leave your reforming behind you if you go to the bench."

Hames replied that she could distinguish between the role of advocate and that of judge. But the commission, dominated by such old-line Georgians as former Atlanta City Attorney Henry Bowden and State Attorney General Arthur Bolton, both of whom have often found themselves on the other side of civil rights suits brought by Hames, remained uneasy. "Will you follow the law?" another commission member queried.

"I would weigh the law against the Constitution," responded Hames, "and interpret the Constitution with sensitivity and imagination."

Twice more the question was asked and twice more Hames provided the same answer. When the question was posed for a fourth time, Hames reminded the commission that Sidney Smith, the commission member who initiated this line of inquiry, had himself applied the Constitution with "sensitivity and imagination" as a Federal judge in his decision declaring Georgia's harsh abortion statute unconstitutional.

Henry Bowden, chairman of all three of Georgia's district court selection commissions and a member of Carter's panel for the Fifth Circuit Court of Appeals, has made no bones about his disapproval of the Carter

---

Dorothy Samuels is executive director and James Goodman is the Washington, D.C. representative of the Committee for Public Justice, a national civil liberties organization. The monitoring of Federal judge selection is a joint undertaking of the committee and The Nation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Administration's efforts to seek out qualified minorities and women for the Federal bench. In a letter written January 22 to the Judicial Selection Project, a Washington-based coalition working for greater representation of these previously excluded groups, Bowden scoffed at the Selection Project's literature, in which the President's directive mandating citizen panels for Federal appellate judge selection that would actively recruit minorities and women was featured. "There should be no effort made," wrote Bowden, "to be sure that some black, some woman, some white, some man or some Chicano be included."

Carter has not yet said whether he approves of the six candidates recommended for district judgeships by the Georgia Senators. Should he go ahead with these appointments, it is certain to hurt his efforts to encourage other states to implement "merit" selection. DOROTHY J. SAMUELS & JAMES A. GOODMAN

VARIATIONS

CALVIN TRILLIN

"The truth about the tennis court integration did involve a woman; no 50-year-old she, but a tan, lissome lovely selected for the photos I knew would be taken of this historic step forward in race relations."

— Julian Bond, in a letter
The Nation *declined to publish.*

The truth about Julian Bond's integration of the Atlanta public tennis courts can now be told, although not by Julian Bond, whose memory is as undependable as his backhand. Information not available at the time indicates, for instance, that the original plan was to integrate the Atlanta public golf course—a plan that was vetoed by the directors of the Student Non-Violent Coordinating Committee on the ground that, considering the severity of Bond's slice, no golf course demonstration he took part in could be assured of being considered completely nonviolent.

Although Atlanta was, in 1961, already building a national reputation as "the city too busy to hate"—a motto that a few local cynics translated as Babbittry Over Bigotry—it was almost completely segregated. A sit-in at the lunch counter of Rich's Department Store the previous fall had led to the shutdown of all department store lunch counters—a situation that was considered a source of great racial tension, although it had also been called a boon to the nutritional standards of the entire area.

Except for Martin Luther King Jr., most of those whose names associated Atlanta with the leadership of the national civil rights movement were not on the scene. Vernon Jordan was still in law school at DePauw. Andrew Young had not joined King's staff. Jimmy Carter was a member of the Sumter County School Board, which had vowed to shut down every school in the county rather than admit one black student—a position Carter supporters later defended by pointing out that Sumter County happened to be in a section of Georgia where closing the schools would have no appreciable effect on the educational attainments of the populace.

Carl Holman, who was later to become executive director of the Urban Coalition, did happen to be in Atlanta at the time, teaching at Clark College and presiding over a lively weekly newspaper called *The Atlanta Inquirer*. *The Inquirer*'s staff consisted of black students involved in the Atlanta sit-in movement, including a quiet young man named Julian Bond. A member of a family long prominent in black education, Bond had just returned to Atlanta from prep school in the East—a source of some not-so-gentle joshing from tough young sit-in veterans, who liked to ask him about sit-ins at tea dances and the hardship facing anyone determined to integrate the chess club.

Resolutely, Bond set out to recoup his reputation in the movement. After his plan for golf course integration had been rejected, he resolved to integrate the public tennis courts. It is ironic that Bond now refers to this demonstration as a "step forward," since that is precisely the term that had been used in Eastern prep school circles to describe his serve. Bond did indeed ask a "tan, lissome lovely" to play on the historic day—one Melissa Mae Brumble—but, being a graduate of Emma Willard herself, she knew that Bond's prep school nickname had been "Foot Fault" Bond. Under advice of counsel, she refused to play him.

Desperate for a partner, Bond turned to Edna Scroggins, a mildly eccentric but fearlessly liberal member of an Atlanta white family that had made a fortune in soy waste. Bond's objection to a reference to the match that appeared in this column recently ("... Julian Bond, whose statesmanlike exterior, I know, has masked a keen sense of frustration and rage ever since he managed, in 1961, to integrate the public tennis courts of Atlanta only to be beaten in straight sets by a female dietitian in her late 50s") was apparently based on a belief that the description of Mrs. Scroggins made her sound like an unimposing opponent. In Atlanta tennis circles, though, Mrs. Scroggins—who was, indeed a female dietitian in her late 50s—was considered to have made great strides in overcoming the disadvantages of her age and her obesity and a rather severe case of the gout. As it happened, no photos were taken, but *The Atlanta Constitution* carried a summary of the match by the husband of Edna Scroggins: "Edna's a nice old bag of bones who just happens to have a better backhand than that little colored fella."

During the match, Melissa Mae Brumble, finding herself with a free afternoon on her hands, integrated the Atlanta railroad station, the Loew's theater on Peachtree Street and Georgia State College at Valdosta.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SECOND THOUGHTS

CAREY McWILLIAMS

Dr. Ernest W. Lefever of Georgetown University's Ethics and Public Policy Center, has come up with an interesting proposal for dealing with the perennial generation gap. What he suggests, to oversimplify his proposal, is that history should be taught backwards. The problem is that the consciousness of most parents has been deeply colored by major events of the cold war, both foreign and domestic, of which their children know very little. If the major events of the last thirty years were to be taught in the eleventh grade, when youngsters are beginning to be conscious of public issues, it might, in his view, help bridge the generation gap in communications.

Documentation for such a catch-up course has been growing rapidly in the past few years. Revisionist historians have re-examined the origins of the cold war, including our involvement in Vietnam and the tragifarce of our relations with mainland China. Freedom of Information court actions have brought to light many heretofore undisclosed documents and reports. Also, selected episodes of the domestic cold war have been illuminated by recent memoirs, biographies and special studies. This steady flow of new materials and documentation has added to the understanding even of those who were active participants in the events. One such document—it is really more of a document than a book—is: *Something to Guard: The Stormy Life of The National Guardian, 1948-1967*, by Cedric Belfrage and James Aronson.

The stormy life of the *Guardian* casts a revealing light on many aspects of the wickedness and folly of the domestic cold war. By recounting their experiences, the two surviving editors—Jack McManus died some years back— not only illuminate the role of the press in the cold war, a subject with which Aronson dealt in an earlier volume, but document the brutal experiences of the editors and staff of the *Guardian*. Other papers on the left were smeared or sideswiped and had their share of troubles, but the *Guardian* was a constant prime target. Other editors and journalists were harassed, but Belfrage and Aronson were given the full treatment. Told in detail, the story makes painful reading. The failure of the general press to protest the harassing actions aimed at the *Guardian* and its editors was shameful. In retrospect it is easy to fault some of the positions which the *Guardian* took, but it is incontestable that it was exactly what it purported to be, namely, an independent nonsectarian radical publication. That the general press disagreed with its position does not excuse the failure to defend the paper's right to the full protection of the First Amendment.

The danger, of course, is that this and similar horror stories of the witch hunt will be dismissed as "water over the dam." As Dr. Lefever sees it, "civility" became one of the casualties of the cold war. But more was involved than the mere loss of civility. The hawkish faction either remained silent or egged on governmental agencies and Congressional inquisitors in their crude efforts to silence dovish criticism and dissent. Loss of civility is much too mild a way to characterize the witch hunting of that era. The editors of the *Guardian* were haled before one of the inquisitorial committees, and trumped-up charges resulted in Belfrage's deportation; he was, for some years, an editor-in-exile. Not only was the *Guardian* constantly short of funds but the editors had to fend off a variety of attacks by quarrelsome factions on the left who resented its efforts to maintain an independent position.

Aronson and his colleague-in-exile finally felt compelled to resign after nearly twenty years of "hard times," factional feuding and savage external pressures. Sadly, their decision was prompted by internal staff bickering. After they resigned on April 4, 1967, I asked Aronson to brief *Nation* readers on what had happened, which he did in a piece captioned, "Editing on the Left: Memories and Convictions" (see *The Nation*, Feb. 5, 1968). Now, in collaboration with Belfrage, he retells the story sequentially, adding many fresh insights and disclosures.

More than civility was sacrificed in the years of "The Great Fear." Erroneous policy assumptions went unchallenged; strategies were misconceived; stupid tactics were adopted. Many of these mistakes came about because critics of cold-war policies were either silenced or kept constantly on the defensive. There was some whistle blowing, but it usually came too late. Top officials were told what subordinates thought they wanted to hear, not what they needed to know. Intelligence reports were prepared to support prevailing cold-war dogmas. It would be comforting to assume that we have profited from these searing experiences, but witch hunting is a recurrent phenomenon.

Even today, when civility seems to be the prevailing norm, signs and portents are beginning to appear which suggest that we may be on the threshold of another episode. Snide comments in the liberal reviews may well foreshadow a resumption of the indecent feuding, and a resumption of the domestic cold war is not unthinkable should international and/or domestic tensions suddenly increase. The methods may be more sophisticated, less crude, but the reality will be much the same. Already the lessons of Watergate and Vietnam seem to be fading, and apparitions from that period, of whom Nixon is one, are reemerging. So by all means let us teach history backwards, not only to close the generation gap but to remind parents of many things they seem to have forgotten. □

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ARTICLES.

CHINESE CHECKMATE

The Taiwan Question

O. EDMUND CLUBB

In the aftermath of the momentous Sino-American communique of December 15, and the tumultuous tour of the United States by the Chinese Vice Premier, the Taiwan issue remains. And it will not soon go away.

The communique recorded the American acceptance of China's conditions for the normalization of diplomatic relations: the severance of treaty and diplomatic ties with Taiwan, withdrawal of American military forces from the island and American recognition of the Peking regime as the sole legitimate Government of China, Taiwan included. In his statement accompanying the communique, President Carter said, "I have paid special attention to insuring that normalization of relations between our country and the People's Republic will not jeopardize the well-being of the people of Taiwan."

But the President cited no insurance. Although commanding the stronger bargaining position in all respects, Washington got no concrete concessions regarding Taiwan's future—other than Peking's agreement simply to disagree with the United States' resolve to continue supplying the Nationalists with "defensive" weapons. And in January, the Administration announced that it would not contract new arms sales to Taiwan during 1979. The diplomatic victory was clearly Peking's.

This development is best viewed in historical perspective. The outbreak of the Korean War in June 1950 froze the United States into a posture of hostility toward "Communist" China, and American military aid to the defeated Nationalists in refuge on Taiwan was resumed in 1951. The China Question, couched in the demagogic rhetoric of "Who lost China?," helped the Republicans win the 1952 Presidential election; and in 1954 the Eisenhower Administration signed the mutual defense treaty with the Nationalist Government in Taipei. The treaty was to continue in effect indefinitely, until either signatory gave one year's advance notice of abrogation. The American alliance with the Nationalists thus endured for a quarter century marked by two crises in the Taiwan Strait and the Vietnam War, with China in the role of enemy. On December 31, 1978 the United States duly gave the required year's advance notice that the treaty would expire on December 31, 1979; but since diplomatic recognition of the Nationalist regime was rescinded as of January 1, and all remaining American military forces are to be withdrawn from the island by April 1979, the "effectiveness" of the treaty during its final year seems to be distinctly less than 100 percent. Taiwan will in any event soon be without any protection from the American side other than President Carter's expression of "interest in the peaceful resolution of the Taiwan issue." Such an interest can hardly take the place of a mutual defense treaty.

The Carter Administration's diplomatic stroke did not reflect a national consensus. Congress has in recent years evinced a clear intent to have more of a say in Presidential foreign ventures involving the national interest, and in an amendment to the International Security Assistance Act of 1978, it stated that any policy change affecting the continuation of the mutual defense treaty with Taiwan should be a matter for prior consultation between the Congress and the Executive. Nonetheless, the President took the action on his own authority.

According to the Constitution, "All Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land." May the President, by his sole authority, abrogate a treaty duly approved by the Senate? Senator Barry Goldwater will challenge the legality of the President's action in the courts, but at this juncture recognition has already become a political issue. The Administration offered no justification for its haste, nor was the secrecy attending the new agreement in harmony with that new openness in government promised by Mr. Carter. The Administration seemingly took a calculated political risk at home for what it perceived as benefits in the international arena. One must uncharitably assume that the President adopted those secretive tactics to avoid a probably embarrassing Congressional debate of the issue.

But if public debate is not undertaken in advance of an action, it can be all the more acrimonious later. And the 96th Congress demonstrated soon after it convened in mid-January that it was not going to leave the matter of Taiwan's future on the shelf. In a press conference on January 26, President Carter implied that he would veto any legislation that clashed with the recognition of the Peking regime as the sole Government of China. But various resolutions designed to commit the United States to the continued support of Taiwan's security had already been drafted, and on February 5 the Senate Foreign Relations Committee opened hearings on the matter. The political issue has been joined.

O. Edmund Clubb was a U.S. Foreign Service officer from 1928 to 1952, serving in China, Indochina and the Soviet Far East. He is the author of Twentieth Century China, China and Russia: The "Great Game" *and* The Witness and I *(all Columbia University Press).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

As some of the present euphoria regarding the new relationship evaporates, and various disadvantageous aspects of the American diplomatic "coup" become more obvious, criticism of the manner and timing of the Administration's action will have a chance to grow. Just as the "China Question" was an issue in the 1952 Presidential campaign, it may become one in the 1980 election.

The Administration has gone through the motions of assuring us that our relations with Taiwan will, for an indefinite future, continue much as before, that—in the words of President Carter on that momentous December 15—"The people of our country will maintain our current commercial, cultural, trade and other relations with Taiwan through nongovernmental means." Such a provision was indeed included in the communique proper, however, but Peking took the occasion to state, in the phraseology employed since President Nixon initiated the process of Sino-American rapprochement in 1972, that the manner in which Taiwan shall be reunited with the mainland is "entirely China's internal affair." Peking has since sought to soothe American fears—at least for the near future, when the Chinese will be endeavoring to enlist major American economic aid in their rush to achieve great-power status by the year 2000, and will be maneuvering in the political field to enlist the United States in its anti-Soviet crusade. Statements emanating from the Peking leadership are beguilingly ambiguous. A group of Senators visiting Peking in early January was assured by Vice Premier Deng Xiaoping that China would use force against Taiwan only if there were "an attempt by the Soviet Union to interfere in Taiwanese affairs" (an unlikely hypothesis), or in the event of "an indefinite refusal by Taiwan to enter into negotiations" (a clear possibility). And Deng also told the Senators that, after reunification, Taiwan could retain its armed forces and enjoy full autonomy. Since the inhabitants of the Tibetan, Inner Mongolian and Sinkiang-Uighur Autonomous Regions enjoy scant political freedom under the overall rule of the Central People's Government seated in Peking, Deng's promise was less generous than it sounded to American ears.

Deng's strategic approach was probably reflected fairly accurately in his remarks at a Capitol Hill luncheon with eighty-five members of the Senate on January 30. After saying that "we believe we can achieve peaceful reunification," he injected a qualification: "However, China cannot commit herself not to resort to other means because, if we did, it would not be beneficial for peaceful reunification." An element of increased urgency had already been introduced by a message addressed to Taiwan from the Standing Committee of the National People's Congress on New Year's Day. Stating that Taiwan's separation from the mainland "must not be allowed to continue," the New Year's communication went on: "If we do not quickly set about ending this disunity so that our motherland is reunified at an early date, how can we answer our ancestors and explain to our descendants? . . . As all conditions now are favorable for reunification and everything is set, no one should go against the will of the nation and against the trend of history." And the Standing Committee proposed freedom of travel and the institution of transportation facilities, postal services, technological exchanges and commerce between the mainland and the island. Peking's thinly veiled message to Taipei is, negotiate or else. . . .

Of course, Congress could legislate measures effectively restoring the protective American umbrella over Taiwan. But any really meaningful legislation would almost certainly face a Presidential veto. As things now stand, the situation has been destabilized in political, economic and military terms. In the political field, the Nationalist regime has been from 1949 onward a Government under political siege, and it functioned on Taiwan for thirty years as a one-party dictatorship. The United States Government did not work for the self-determination of the indigenous Taiwanese but it openly defended the Nationalist regime's right to a continued existence apart from the "Communist" regime located in Peking. Even now, by Washington's de facto interpretation, two geographic and political entities remain in separate existence. Nevertheless, its legality denied by withdrawal of American recognition and simultaneously bereft of its raison d'etre—which nominally was the recovery of the mainland—the Taipei regime has been weakened in the domestic as well as the international field. Political morale will decline, and popular unrest increase. The way has been opened to instability and subversion. And Peking will be hard at work.

The economic situation has also undergone a change for the worse. While some American business interests are fascinated by the exciting mirage of a booming China trade, others, who have for years enjoyed profitable commercial ties with Taiwan, take alarm. It was no surprise when, hard on the heels of the communique of December 15, the American Chamber of Commerce on Taiwan told Washington that its members needed an immediate response to "practical questions" flowing from the various treaties and executive branch agreements that provided protection for their investments, loans and commercial exchanges with Taiwan.

The Carter Administration has responded by asking Congress to enact legislation creating a private corporation to handle the wide variety of interests covered by the present official accords. In his press conference of January 26, President Carter opined that the proposed "nongovernmental" organ would provide "a good foundation" for the future American relationship with Taiwan. Such a foundation is inherently fragile; political uncertainty is not conducive to business confidence. There will be a natural tendency on the part of Taiwanese capital to seek safer havens

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

abroad, and there will be a parallel reluctance on the part of foreign capital to invest in Taiwan undertakings. After all, those foreign enterprises cannot depend upon Peking's shouldering the foreign indebtedness of Taiwan when the island is "embraced" by the mainland. The Carter Administration has not reported any agreement that it will. And Vice Premier Deng's statement of January 30 to members of Congress that Peking would "fully respect the present realities" on the island is a very fuzzy guarantee. It is highly probable that the mainland would draw heavily upon the accumulated riches of Taiwan once it came into possession of the island.

There remains the military situation. Peking will not be so foolish as to launch a military attack on Taiwan in the near future. Quite apart from the danger of suffering a humiliating defeat if it were to attack while the Nationalist regime still commands a disciplined, well-armed defense force of 474,000 men, Peking would jeopardize its newly won relationship with the United States. But what is true today is not necessarily so tomorrow: for one thing, the military balance is not stable. One of Peking's "four modernizations" is of its military establishment. Japan, which fought two wars with China in the years 1894-1945 and served as an integral link in the United States' "West Pacific island defense chain" during the American struggle, direct and indirect, against Chinese, Indochinese and Korean "Communist" power between 1950 and 1973, is unlikely to exert itself to convert China into a military superpower. And since the United States has committed itself—again through the executive branch—to continue to supply defensive arms to Taiwan, it will presumably not simultaneously undertake to supply weapons to the Chinese. The Administration has said, however, that it will not oppose arms sales by its NATO allies. Some NATO powers will thus be found selling arms to China, and Peking will be striving to build up its munitions industry. If, as is probable, no NATO member will contribute in major fashion to the implementation of China's ambition to become a first-rank military power by the year 2000, China may still become strong enough to undertake effective military action against neighbors in its military class, such as Vietnam—or Taiwan.

Peking will probably not protest too much the "unhelpful" American stance with respect to modernization of the Chinese military establishment. After all, in the Chinese civil war of 1946-49 the Communists inherited a goodly supply of American arms from the defeated Nationalists; and when by American assumption, Taiwan may be "reunited" (forcibly or peacefully—it makes no difference) with the mainland, the Chinese will automatically gain possession of the store of sophisticated American weaponry provided the Nationalist regime over the last three decades, which will continue to be supplied in the years that lie ahead. Peking can be expected to exhibit an Oriental patience with respect to the inscrutable ways of those strange Americans. But China's near neighbors—our West Pacific allies Japan, South Korea and the Philippines—cannot be expected to remain indifferent to the growth of China's military power, or to the extension of Peking's authority over Taiwan and the Pescadores, occupying so important a strategic position on the flanks of Japan to the north and of the Philippines to the south.

The Carter move has clearly placed Taiwan's future in jeopardy. The United States officially hopes to be rewarded by a Chinese contribution to the cause of peace and stability in the West Pacific, and by the opening of a "vast" China market to American goods. But it remains to be seen what contribution a strengthened China with Middle Kingdom philosophy will make to world stability; and the would-be purveyors of American goods have yet to discover how a poverty-stricken China will be able to pay for them. □

How Gulf Dealt Its Dealers Out

JAMES GANNON

Red Fair is a big man, but gentle. He is outgoing and friendly. His business was built in large part on his ability to get along with people, and it pleased him to receive thank-you letters from motorists he had pulled out of tight spots. Losing his service station—a Gulf station on the outskirts of San Bernardino, Calif.—didn't come as a complete surprise because so many Gulf Oil Corporation dealers were dropping off. But it was traumatic, nevertheless. The business had played such a large part in nine years of his life.

It was 1969 when Gulf wooed Red and his wife, Pat, away from Texaco just up the street. Red saw a number of advantages. It was a new station. The Gulf products—he was high on them, and still is. Enough land (nearly a half acre) to build a pound so he could tow cars for the state patrol. And the location on the main highway. "I think we've found you a home," the Gulf "rep" told them, and they all shook hands. Pat solemnized the bond by carving an inscription in the soft, newly poured concrete next to the first pump island:

Red and Pat Fair
2/69 - ?

The question mark is still there, set indelibly in concrete. But the question itself has been answered. Last

James Gannon is a producer of NBC News's Weekend.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

June 30—reluctantly—they handed the keys back to Gulf. Red doesn't have much to console him for the loss, except the distant prospects for his lawsuit against Gulf asking $2 billion in punitive damages, and the knowledge that he has a lot of company. By Gulf's own figures, there are fewer than sixty branded Gulf dealers left in all of Southern California, Arizona and southern Nevada, out of more than a thousand in 1972.

Gulf giveth and Gulf taketh away. This great Texas corporation, originally financed by the Pittsburgh Mellons, has all but dismantled its dealer system in the West. It had pulled out of the other Western states in 1972.

Left in the wreckage is a diminishing number of secondary brand stations, called Economy or Go-Lo, operated directly by company employees. These are stations taken over from outgoing dealers. The conversions started tentatively in the early 1970s—Gulf had thirteen company stations in 1972—then accelerated after the OPEC revolution—144 in 1974, 298 in 1975 and 336 in 1976—then declined—210 by Gulf's latest count.

As company operations, these stations eliminate dealer margins and other costs (both real and artificial) of the traditional full-service filling station. They are gas-only, self-service, "no-frills," high-volume gas pumpers offering a product at cut-rate prices. "The consumer benefits," said Gulf. "The more we can reduce our costs, . . . the better able we'll be to provide gasoline to motorists at the best possible price."

The image of Gulf as a friend of the consumer is not consistent with the history of the major oil companies—particularly the so-called Seven Sisters: Gulf, Exxon, Mobil, So-Cal, Texaco, British Petroleum and Royal Dutch Shell. You will find each of these companies among the world's top ten on the *Fortune* list—except Gulf. Gulf is number eleven. In 1977 Gulf had $14 billion in assets and $750 million in before-tax profits. What makes these companies strong is their "vertical integration," their control of the commodity from one end of the "stream" to the other, from the production of crude oil to the marketing of gasoline and other products.

Dealers offer a perfect front to obscure the monopoly power of the majors. They are small businessmen, rather than employees of a giant corporation. They take investment risks (however small), sacrifice to build on them and take responsibility for service to the consumer. They have a sense of usefulness, even importance, in the free enterprise system.

Yet the Federal Trade Commission found their independence so circumscribed that it called them "economic serfs." Typically, the company owns the land (or holds it on a long-term master lease), and builds and equips the station. The dealer takes a short-term lease (usually one to three years) with an agreement to sell products supplied by his company. As landlord and supplier, the company holds two powerful strings with which it can strangle the dealer if it chooses. Often it adds a third, that of creditor, by which the stranglehold can be further tightened.

During what D.G. Linn, Gulf's marketing vice president, calls the "halcyon days," pressure was seldom applied. In those days—roughly from the end of World War II to the early 1970s, the service station was simply an "assured outlet" for crude oil production. Crude was the whole game. In crude, big profits were made—thanks to lavish Federal tax benefits, state conservation laws written by the oil lobbies and the far-reaching controls of the international oil cartel. Retail profits mattered little. Volume mattered. The key was to move the gasoline so crude oil could flow.

Times have changed. For one thing, OPEC has transformed the majors from producers of foreign crude into mere purchasers (however privileged). For another, the private-brand marketers (those without their own sources of crude), who fought and lost many a bloody price war with the majors, have persisted with their system of no-frills, gas-only pumping stations.

Gulf has reorganized into seven major divisions, each expected to formulate its own policies and turn in a profit. For its part, the marketing division is bent on a cutback in the overbuilt, inefficient dealer system. "There really isn't much sacred now," said Linn. "The old concept of the beautiful, big-investment, three-bay, ranch-style service station is nice if you can afford it. If you can't, you have to do it some other way, and that's what we're going to do." That's what they did in Southern California.

Charles Kendall of Rialto was a low-level manager for Gulf. He watched the dealers going down, and got scared when President Ford signed legislation in 1974 making individuals within a corporation subject to heavy penalties for antitrust violations. He began to keep records, meticulously. He has several boxes full of documents, plus twenty-five hours of furtively taped telephone conversations with his ex-colleagues (probably inadmissible in court), which he says will back up testimony he has sworn to in court.

Kendall recalls a meeting in May 1975, when Robert F. Burns Jr., then manager of Gulf operations for the West Coast, brought out a list of Gulf stations marked for closing by the end of the year. "As he attempted to pass it around the table," Kendall relates, "another Gulf executive says, 'Bob, I don't think that we should pass this around. Someone might refer to it as the enemies list.'"

Later that year Kendall came into possession of an abbreviated form of that list called "Targets for Mutual." More than forty stations were identified by number. The dealers were to be persuaded that they should sign an agreement of "mutual consent" to give up the stations—or, as Kendall puts it, "to shake hands, and part friends."

Principally, Gulf marshaled its powers as supplier

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and creditor in creating the conditions that made it difficult, more often impossible, for dealers to stay in business. When that failed, as in the case of Red Fair, it brought in the landlord power to administer the *coup de grace*. Even that was not 100 percent successful, and now Gulf is telling its remaining dealers that if they want to keep their stations after all that's happened, they must remove the Gulf identification.

The tires/batteries/accessories program—"T.B.A." for short—was one of the supplier's weapons. Kendall was running a T.B.A. center when Gulf called that meeting of May 1975. He was there with other T.B.A. managers. At the time, Gulf was pushing a twelve-month tire program. The dealers signed promissory notes at 7 percent interest with the understanding that interest would be forgiven if payments were met. As Burns put it, according to Kendall, "Can you think of a better way to get them out than to load them up with T.B.A. and have their payments get high? If they don't cut it, they're out."

When the program was announced a year earlier, Kendall remembers O.D. Meyer, the West Coast marketing manager, exhorting those present to tell the dealers that if they did not go along with the T.B.A. program their gasoline supply would be shut off: "He pounded his fist on the table while making those remarks, 'Buy tires,' he told them, 'or they don't get gasoline.' "

That was during the Arab oil boycott; a Federal gasoline allocation was in effect. Dealers seemed able to sell all the gasoline they could get. The Gulf reps seemed willing to supply it, too, the Federal regulations notwithstanding, as long as the dealers played along. But the tire program jeopardized the dealer's cash flow; his slender ready reserves meant that a small setback could send him spinning. When that would happen, a company rep might drop a quiet suggestion that he pack it in.

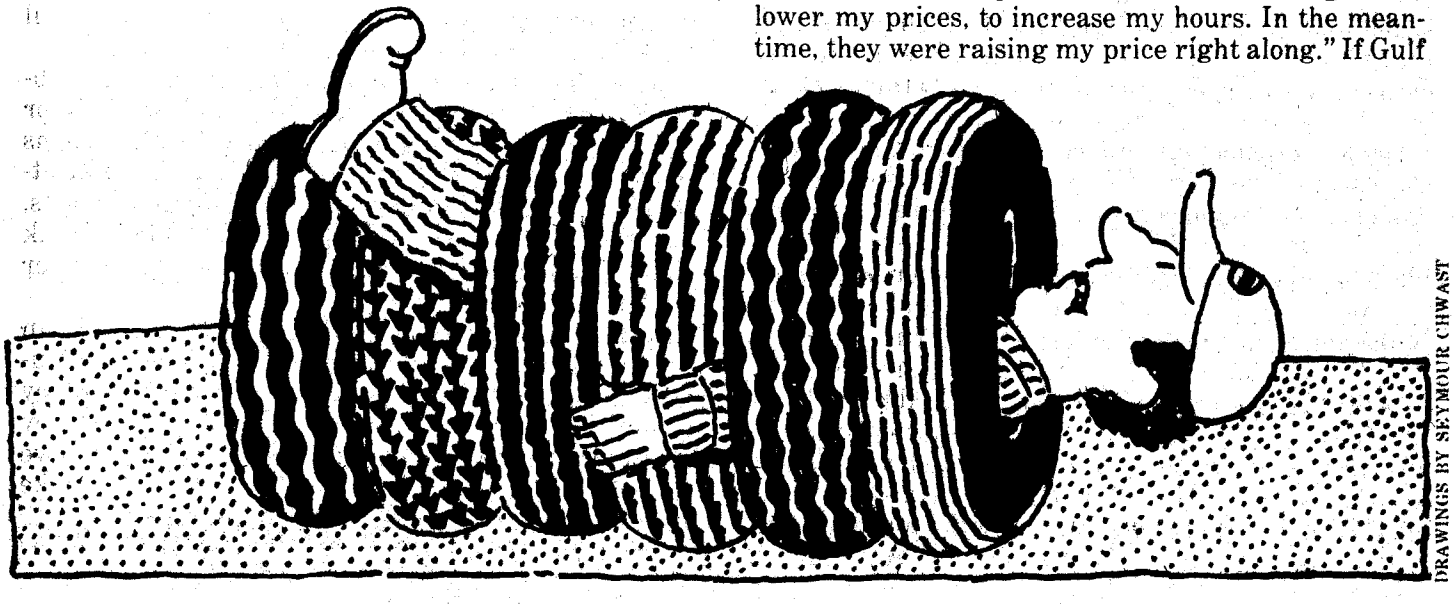
Tire payments were not the only cash problem Gulf laid on the dealers. The policy on gasoline deliveries was changed simultaneously. Before 1974, gasoline delivered to the station and stored underground was still owned by Gulf. Technically, the dealer never owned it until it passed through the pump, and never paid for it until afterward. The only advance cash was a small good-faith deposit, perhaps $1,000 a load.

That was called the "meter" plan. When Gulf went on "buy and sell" the dealer would have to pay for gasoline upon delivery, plus a deposit up front equal to the cost of one load. A dealer with two storage tanks holding about $8,000 worth of gasoline each thus paid $16,000 for the gasoline and $16,000 in deposits; a $2,000 "good-faith" deposit was turned into a $32,000 investment.

Another effect of buy and sell was actually to reduce the dealer's earnings. When gasoline is drawn from the refinery, it is hot. As it cools during delivery and storage, it shrinks. In other words, gasoline coming out of the refinery has a greater volume than the same gasoline being pumped at the filling station. Under the meter plan, the company paid for the loss because it "owned" the gasoline until it went through the dealer's pump. Under buy and sell, the dealer paid because the gasoline was measured when it left the refinery. The difference could be several hundred dollars a year, depending on a dealer's sales volume. Eventually, the Department of Energy told Gulf it could not force a dealer to go on buy and sell, but it never made the company pay back the profits it had skimmed by not allowing for gasoline shrinkage.

Gulf found a lot of ways, big and small, to pressure the dealer. "Drag your feet on maintenance was one way," said Kendall. "Delay painting the station, not take care of the restrooms. You harass him every time you go to the station to get his price for gasoline down. Tell him that if he gets his price down 2 cents, it will pull some business from the guy across the street. Meantime, the dealer was losing the money, because Gulf was no longer subsidizing the dealers' price cuts."

That's the way they went after Rex Kerr at his Buellton station. "I would get the stuff in writing from Gulf Oil Corporation," he said, "telling me to lower my prices, to increase my hours. In the meantime, they were raising my price right along." If Gulf



DRAWINGS BY SEYMOUR CHWAST

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was suggesting something, Kerr never took the hint. So the company had to be blunt.

"Two Gulf representatives came to my station in Buellton," said Kerr, "and told me they wanted the station back. They wanted to make it a self-service. How fast could I get out?

"I was in a state of shock. I said, 'I don't know. It would take some time.' So they says, 'Well, as quick as you can, we'd like for you to pack up your stuff and get out.'

"And I asked if they could buy back some of this stuff, like some of my tires, batteries and accessories, and the gasoline in the ground I owned. And they said, 'No, it would be best if you took all that with you.'

"And I said, 'Well what about the gas? How am I going to get it out?'—and, you know, four or five thousand gallons of gas. They said, 'Well, you'll have to get some barrels and fill them up and take them out'—you know, get the gasoline out of there if you want it—'if not, just leave it.' "

When his lease expired, Kerr left the station and the inventory. He never signed a "mutual," and the station lay idle for months. Gulf wanted it so badly for a company operation, that it brought suit against Kerr for abandonment. That turned out to be a blunder. Kerr brought a countersuit, and won. A jury took his word, and Kendall's, against Gulf's word, and awarded Kerr $78,000. That's chicken feed for Gulf, but the precedent is dangerous, and Gulf is appealing. Other dealer lawsuits are pending. One is a class action suit on behalf of all dealers in the region. Very large, perhaps frivolous figures are being tossed about, topped by Red Fair's $2 billion.

Gulf's clumsiness in the Kerr case is the exception. The company was usually more sophisticated. For example, Bob Lee is convinced that the company deliberately held him to an unprofitable 24-hour-open clause in his lease in order to drive him out. Another tactic was to enter dealer stations converted to Economy or Go-Lo into competition with the dealer stations that remained. Historically, the major oil companies have delivered gasoline to their dealer stations for about a nickel a gallon more than they have sold it to wholesalers at the refinery. For that extra 5 cents the dealer is supposed to be buying the cost of delivery, brand advertising and credit cards. In 1977 Gulf offered its dealers a "crack at" buying Gulf gasoline at the cheaper refinery price, if they would take down their Gulf logo and give up brand advertising and the credit card system. Under conditions then prevailing, that much of it was not a bad offer.

But what Gulf gave with one hand it took away with the other. The rents would go up so steeply that to call it "rent gouging" would be putting it mildly. (In some cases the station could be bought outright, but at very high prices.) It was the rent increase that did in Red Fair. His rent would have tripled.

Congress has since passed legislation called "dealer day in court" which is supposed to protect a dealer against arbitrary termination or nonrenewal of his contract. Gulf has reacted by scaling down its rents and sale price demands, but is making it clear to dealers that they must go unbranded to stay in the station.

Despite its conviction in the Kerr case, Gulf officially denies pressuring a dealer to leave a station, ever. It calls Kendall's sworn testimony "either untrue or completely misleading." Kendall himself is pictured as a "disgruntled" former employee, which he surely is. As for Kendall's document, "Targets for Mutual," Gulf calls it an "informal list of stations" in one area "that were not generating enough profits commensurate with our investment" and denies that it represents "a hit list" for 1975.

That much is for the record at a time when Gulf is facing a barrage of dealer lawsuits. Kendall believes Gulf could have saved itself—and the dealers—a lot of grief with an open declaration of its intention to change the system, and a reasonable offer to buy the dealers out. Instead, even as Gulf was converting about ten dealers' stations a month to company operation, it was reassuring the rest that they were secure. Red Fair said that as late as January 1978 a company rep told him they had "gotten rid of the deadwood, and now we figure we've got the cream of the crop. We're going to take them and run with them." That was a month before they raised Fair's rent so high he could not go on. Whether Kendall's way would have worked better is something for Gulf to think about after its lawsuits are settled. □

Disorganized Labor

SIDNEY LENS

"They're kicking the hell out of us," says Jim Balanoff, director of District 31 (Gary-Chicago), the largest district in the United Steelworkers of America, "but no one's excited." The labor movement is losing members, falling on its face on the legislative front and running aground on real wages, but its leaders raise no storms—not because they don't care but because they see no way out of their dilemmas. The people who are "kicking the hell out of us" are the very people with whom the union hierarchy has collaborated for decades, and the Democratic Administration that is "kicking the hell out of us" is the very one that labor and blacks put into the White House two years ago.

Sidney Lens is a contributing editor of The Progressive. *His latest book is* The Day Before Doomsday *(Doubleday).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

As Balanoff notes, trade unions today face their severest test since the Great Depression. For the first time since the 1930s they are enrolling fewer new members than they are losing to technological displacement and attrition. A recent A.F.L.-C.I.O. report showed that in the previous two years the federation had lost a half million members—at a time when the work force was growing by a few million each year. In 1956 more than two out of five organizable workers in the country carried union cards; today the figure is less than one in three—and falling. In 1950 unions won 73 percent of National Labor Relations Board elections, gaining the right to represent thereby 759,038 new workers. In 1977 unions won only 46 percent of the 9,626 elections conducted by the board, continuing what seems to be a steady downward trend in this decade—55 percent in 1970, 53 percent in 1971, 54 in 1972, 51 in 1973, 50 in 1974, 48 in 1975 and 1976.

The loss in numbers, unfortunately, goes hand in hand with a loss of power. Organizations that were once bastions of the movement are under siege—and retreating. The newspaper unions have suffered bruising defeats in Washington, Miami, Kansas City, Madison, Omaha and Detroit, among other cities. Building trades unions, the most powerful single force in the A.F.L.-C.I.O., are being challenged as never before—even in such union cities as New York—and thousands of their members are secretly working below scale.

On the legislative front, labor's record is equally dolorous. It wins improvements in minimum wage, Social Security and workmen's compensation benefits periodically, as the cost of living rises. But A.F.L.-C.I.O. lobbyists last year lost their bid for a modest reform of the National Labor Relations Board procedures which make it immensely difficult—sometimes impossible—to defend workers discharged for union activity. They failed to win modification of the Hatch Act, situs picketing and cargo preference. The Humphrey-Hawkins "full-employment" bill they finally negotiated with Carter was so full of provisos as to be meaningless; it does not go into effect for a few years, and then only if the inflation rate is trimmed to the bone. And social reforms, such as national health insurance, which unions in Europe won decades ago, still can't muster a majority in Congress despite all of labor's efforts, and despite fervid promises by the Democrats and Carter to enact them.

The leaders of labor lament all these setbacks in strong rhetoric, but they do not explain why they happen—or mention their own failures in preventing them. Douglas Fraser, president of the United Auto Workers of America, who is one of the better thinkers in the top labor echelons, attributes labor's defeats to the fact that "leaders of the business community, with few exceptions, have chosen to wage a one-sided class war today in this country—a war against working people, the unemployed, the poor, the minorities, the very young and the very old, and even many in the middle class of our society." As Fraser sees it, the corporate Goliaths were more ready to cooperate with labor in the past, more ready to "give," but they are now—for some reason—flexing their muscle. "Where industry once yearned for subservient unions," he told the Labor-Management Group when he resigned from it last July, "it now wants no unions at all." It now seeks "confrontation" rather than "cooperation."

Fraser gets high marks in many quarters for raising this issue and for holding two meetings in recent months to weld together a coalition of unionists and representatives of assorted liberal groups to meet business's challenge. But on cool examination, his reasoning misses the question. The employers and their political kin have always waged "class war," but why are they more vigorous about it now than at any time since World War II?

Ed Sadlowski, who ran for president of the Steelworkers in 1977 and might have been the rallying force for union dissidents had he won, takes a more pointed stand on the present crisis than Fraser. A self-styled "Eugene V. Debs socialist," Sadlowski was never saddled with illusions about the corporations and their political system. According to him, the setbacks are due to the failure of labor's leadership "to act independently and deal with fundamentals. They refuse to take the ultimate position of telling the politicians that there must be a redistribution of wealth and income."

The country is in fact undergoing a redistribution

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of income that is the reverse of what Sadlowski would like to see, a process now being accelerated by President Carter's structured program to lower living standards. From World War II until the present decade a combination of vast military spending and Keynesian measures made it possible to improve the standard of living of all classes in society simultaneously. Labor leaders could boast that they won improvements in real wage every year, whether in periods of prosperity or recession—a marked change from what prevailed in other eras, when every downturn brought gruesome wage cuts. But something has gone amiss in this decade. Real wages first were stagnant, then began to fall on their own—and now Carter has decided, under the guise of fighting inflation, to impose a Government cutback in real wages.

According to A.F.L.-C.I.O. statistics the average nonfarm worker with three dependents took a cut of about $3.50 a week from 1972 to August 1978. His nominal wages soared from $121.09 to $184.09, but measured in 1967 dollars his real earnings (after Federal taxes) shrank from $96.64 to $93.12. Construction workers fared worse, down by $15 a week, and those in finance, insurance and real estate lost $7 a week in real earnings. The only workers who did better were those in transportation and public utilities: over a six-year period their rates jumped by the grand sum of 40 cents a week.

Carter has taken this process one step further. Since the national pie—the gross national product—can no longer be divided up among all classes, he has chosen to let the working class do without. In the face of 9 percent inflation last year, he limited hikes for most Federal employees to 5.5 percent. And since the Federal Government is usually the pace-setter for local and state governments, that meant that 15 million workers—one out of every six in the nation—were shortchanged 3 to 4 percent.

The next blow was Carter's arbitrary proclamation of "voluntary" guidelines limiting wage boosts in private industry to a 7 percent average and price boosts to about 6.5 percent. The "voluntary" part, alas, applies only to prices, since the regulations are so complex and so filled with exceptions that corporations can do as they please. But wages are another matter. Here every employer suddenly becomes a great patriot, claiming that to go beyond the hallowed 7 percent is nothing short of treason. The employer becomes the enforcer of Carter's formula, and the likelihood is that this will become the effective ceiling. The first big test—that of 60,000 oil workers—ended somewhat enigmatically, with the Oil, Chemical and Atomic Workers settling for 8 percent the first year and 5 percent the second—and both parties proclaiming that their deal was within the President's guidelines.

The President has sweetened his pill by promising to enact what he calls "wage insurance." Workers who agree to the ceiling will be allowed deductions from their income tax equivalent to the rise in the inflation rate above 7 percent, to a maximum of 10 percent. But this is a meaningless gesture; first, because the bill won't pass, and second, because it compensates for just a single year, whereas inflation goes on and on. Let's say that a worker earning $200 a week in 1979 gets a $14 dollar raise (7 percent), and is permitted to deduct $6 from his income tax because inflation is 10 percent. That keeps him even with his standard of living in 1978, but in 1980 he will be short that $6 a week.

Moreover, we are talking here only of workers with bargaining muscle—auto workers, steelworkers, machinists, truck drivers. But a vast majority of the American working class—those in weak unions, those with no unions, those in government—will get far less. "I'd be tickled to death," says an official of Jerry Wurf's American Federation of State, County, and Municipal Employees, "if we could get 7 percent from the state of Illinois. We got $90 a month last year—the first raise in four years—and this time we will be under not only the pressure of generally lower boosts throughout the economy but reduced grants to states and cities in the Federal budget. Seven percent would look mighty big to us."

The union hierarchy's response to the new economics reflects its impotence. "Meany's answer to our problems is just verbal," says Sadlowski. The two major causes of inflation are military spending and administered prices, but Meany hasn't directed any drumfire of criticism against either. On the contrary, he calls for more military expenditure. Equally distressing, he does not mobilize labor's rank and file in its own cause. No demonstrations are conducted, no mass educational programs are initiated. Meany simply . . . waits; since he is committed to working exclusively within the system, he has no place to go. He probably would be happy if Carter would abdicate, or if Edward Kennedy would run in 1980, but he continues to do by rote what he has always done: send the labor lobbyists to the Hill, make speeches, leak tales to the press that he is distraught with the President, work for "good" Democratic candidates. Beyond that, nothing—at least not yet.

The union leader who is best situated to put a crimp in Carter's guideline program is Frank Fitzsimmons, president of the International Brotherhood of Teamsters, who will be negotiating for 400,000 truck drivers in March. Two opposition groups have gained some following in this 2-million-member union during the last year—Professional Over-the-Road Drivers and Teamsters for a Democratic Union—and they are pressuring Fitzsimmons to break the 7 percent barrier. But Fitzsimmons has other problems, mainly the threat of Federal action against Teamster pension funds, and Federal prosecution of Teamster officials, including himself. He has avoided such inconveniences in the past by sidling up to the men in power. He supported Nixon and was chummy with Ford. He may come to terms with the Carter people

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

on the same basis: "I'll accept your wage guidelines, if your Justice Department stops hounding me and my friends."

The three union leaders who are considered most likely to challenge Carter's program are Fraser of the 1.5-million-member U.A.W., Jerry Wurf of the 1-million-member A.F.S.C.M.E., and William Winpisinger of the 920,000-member International Association of Machinists and Aerospace Workers. Wurf is a capable man but for various reasons not likely to be the center of a labor-liberal coalition. Fraser is determined to build one but is moving slowly. Winpisinger is the most outspoken of the three, an avowed socialist and anti-militarist who says that under no circumstances will he support Carter in 1980. In a recent speech to 900 staff members, he referred to the United States as a "corporate state" that is acquiring characteristics of fascism. The labor hierarchy, he believes, is out of touch with reality; he calls on the Machinists, therefore, to form coalitions "of minority groups, the youth, the students, progressive churches, liberal and progressive academies and academics, even the radicals and social activists . . . and, last but not least, the environmentalists."

The purpose of these coalitions would be to challenge the "corporate state" on specific issues, and "Wimpy," as he is known to intimates, has already tested his thesis in two coalitions, an unsuccessful one to torpedo the "compromise" natural gas deregulation, and a successful one to ward off a right-to-work amendment in Missouri. In a long interview a few months ago, he made it clear he will not adhere to the traditional liberal politics of "lesser evil." Anyone who seeks Machinist support, he says, must be committed to the labor position on *all* major issues, not 60 or 85 percent. Accordingly, he cut off funds to one of the most liberal members of the Senate, Dick Clark of Iowa, because Clark voted for the Administration's natural gas deregulation, which the Machinists fought.

The strategy of coalition that Winpisinger and Fraser are following at the moment, however, can only be a prelude to something else—if indeed it evolves into something else. Coalitions must have programs, both political and structural, and there, as the Bard said, is the rub. Those who attended the first Fraser meeting came away with the feeling that people were talking in circles, that nothing was being pinpointed. The fact is that labor today, as in the 1933-35 period, must make a quantum jump in what Sadlowski calls "fundamentals."

Capitalism itself has already made such a quantum jump, centralizing unheard-of power in its corporations and its state. The integration of capital into conglomerates and multinationals has undermined the efficacy of labor's primary weapon since the formation of the A.F.L. in 1886—the strike. Multinationals like the oil companies can easily take a strike by an American union that represents only 60,000 oil employees. I.T.T., with scores of corporations under its multinational wing, can easily take a strike, say, at Wonderbread. The strike weapon is also blunted when the Government can openly add its weight to that of management, as it is doing now by curbing wage increases.

Labor's real weakness does not stem from ineptness but from the failure to draw up a political program to combat the encroachments of a state-managed capitalism. Such a program would be too elaborate for me to develop in a brief article. Its structural aspects are more apparent—and both Fraser and Winpisinger seem to be groping in the right direction, though it is difficult to tell as yet if they will ever land on target. The biggest problem at the moment, in addition to the anti-union pressures of the establishment, is the lack of rank-and-file movements to push the more far-sighted leaders to the left.

Over the years, labor has used many weapons other than the strike to defend itself: labor parties (in the 1820s, for instance), communitarian societies (like Robert Owen's New Harmony), land reform, producers cooperatives, political parties formed in coalition with others such as the Greenback Party, the People's Party, the Progressive Party of 1924. And since the main difficulties today are with an all-powerful state, it follows that unions will overcome stagnation and retreat only by forging a political party of their own to challenge that state. Fraser is eminently correct when he says that "the Republican Party remains controlled by, and the Democratic Party heavily influenced by, business interests. . . . Both are weak and ineffective as parties, with no visible, clear-cut ideological difference between them, because of business domination."

The inexorable conclusion from this analysis is that labor will continue to drift and shrivel, unless it finally decides to plow its own path. □

Graymail

(Continued from Front Cover)

wrongly believes should remain secret? Finally, it is conceivable that the documents were sent to *The Nation* as part of a "disinformation" plot to discredit a proposed new law designed to bolster such Government prosecutions. This raises the ethical question of whether we are collaborating in this scheme by publishing the documents. (To dispose of this at the outset: we feel that the issues raised by the material transcend the more remote and speculative harm that might result from their publication.)

Carl Kaplan, a former Nation *intern, is a New York journalist. Randall Rothenberg is a staff editor of* The Civil Liberties Review.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The facts of the Berrellez perjury case are these: While Berrellez was working for I.T.T. in Chile, the C.I.A. allegedly assisted and encouraged the corporation in channeling hundreds of thousands of dollars into the campaign fund of Salvadore Allende's opponent in the 1970 Presidential election. In testimony before Senator Frank Church's Subcommittee on Multinational Corporations in 1973, Berrellez denied having any knowledge of the C.I.A. and I.T.T. operation.

In March 1978, the Justice Department charged Berrellez with perjury. The Government further contended that Berrellez lied when he claimed that a C.I.A. agent was not the source of certain top-secret information he cabled back to I.T.T. headquarters in New York. Finally, the Justice Department charged that Berrellez's perjury was committed with the complicity of various C.I.A. and I.T.T. officials—named and unnamed—none of whom have been indicted.

Among those cited in the original Government indictment were former I.T.T. Latin American public relations director Harold Hendrix; Jonathan G. Hanke, a C.I.A. office director in Chile, and Hernan Cubillos, who is currently the Foreign Minister of Chile. Cubillos's name was stricken from the revised indictment issued last October, and charges against Hendrix were dropped after he agreed to testify for the prosecution. The Justice Department has said that all of the co-conspirators acted "for their own purposes," but in the transcripts received by *The Nation*, defense attorney Patrick Wall claims to have evidence proving that the perjury was suborned by C.I.A. officers acting on higher orders.

When the Berrellez case went to trial before Federal District Judge Aubrey E. Robinson Jr. in Washington on October 23, 1978, the Justice Department asked for a closed hearing because of the sensitive evidence Wall claimed he would present in his defense arguments. They also requested, "on national security grounds," a protective order designed to circumscribe the areas the defense attorney could touch upon in the trial. According to *The Nation* documents, Federal attorney John Kotelly told the Judge that the

> . . . Government is requesting an order that the defense be precluded from naming certain locations and naming names without obtaining prior approval of the court. . . . There were, of course, sources of information that the Central Intelligence Agency was relying on in Chile. . . . We believe that much of this information, much of it coming from Chileans, is sensitive information that requires that their names not be prematurely disclosed. . . . We feel that the locations of Central Intelligence Agency stations other than Buenos Aires . . . Santiago . . . Miami . . . and Langley, Virginia . . . should not be disclosed . . . without at least some test that these are relevant.

Kotelly added that, because of the delicacy of relations between the United States and certain foreign governments, the question of possible harm to the national interest from disclosure of names of C.I.A. agents and stations in these countries should be argued in closed session.

Attorney Wall objected to the Government's request for a protective order. In the course of his argument, he outlined the case for the defense, including the evidence the Government considered too sensitive to be heard in open court. Wall claimed that:

> . . . The Government which is prosecuting Mr. Berrellez had one of its branches, one of its executive branches, in effect assisting and counseling and encouraging in an effort to protect the C.I.A. . . .

Basing his claim on classified C.I.A. documents obtained under a pretrial discovery order issued by the court, Wall stated that Harold Hendrix, Berrellez's immediate superior in I.T.T., was assisted in committing perjury before the 1973 Church committee by the C.I.A.:

> Mr. Hendrix . . . was in a situation where he wanted to protect the name of a person who was chief of station . . . in Santiago. . . . He toyed around with the idea of giving . . . to the Congressional committee before which he was going to appear the name of someone else as the source [of top secret information], and it was the C.I.A.—through one of its agents—who sent an urgent cable to Santiago [to check the accuracy of the information Hendrix wished to give]. . . . In effect, the C.I.A., through its records, through its agents, saw to it that an investigation on an urgent priority basis was conducted, and the information was given to Hendrix. . . .

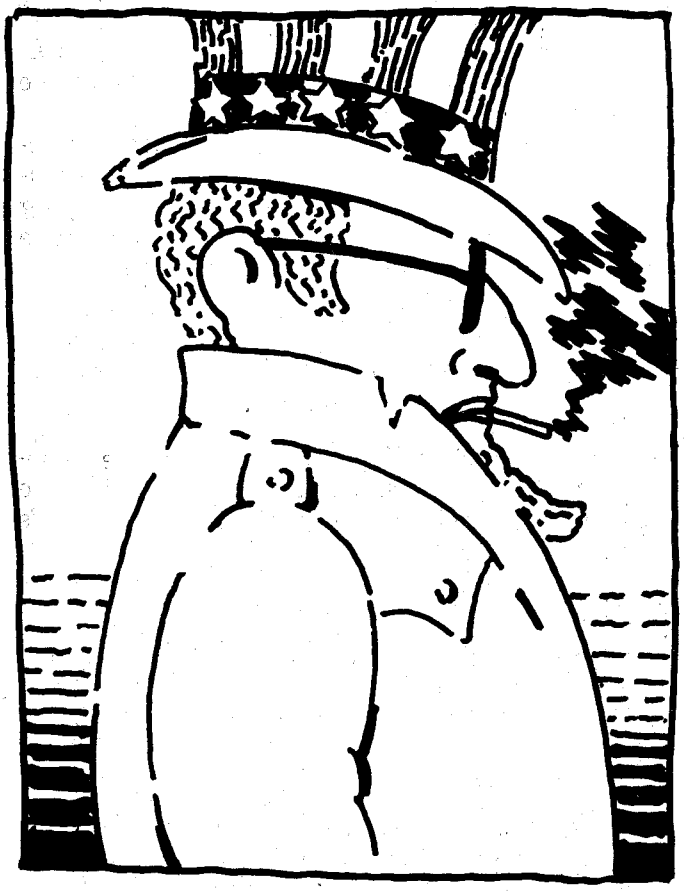
Wall further claimed that both before and after his testimony, Hendrix was fed information by Hernan Cubillos which was passed on to Berrellez for his use. Regarding Cubillos, the defense said:

> . . . I have seen but don't have physical evidence to confirm that that gentleman was indeed a principal C.I.A. operative in place in Chile.

Cubillos's relationship with the agency is widely surmised among veteran Chile watchers. As a top executive of both the daily newspaper, *El Mercurio*, and the magazine, *Que Pasa*, which were cited in the 1975 Church report as C.I.A. propaganda fronts, he is believed to have fomented much of the anti-Allende sentiment in the press, which contributed greatly to the unrest prior to the 1973 coup. Moreover, Cubillos's connection with the Chilean Institute for General Studies—identified in the Senate hearings as another C.I.A. front—clearly marked him as, if nothing else, a "close friend" of the agency.

Judge Robinson ruled that the defense could state its case in open court, and the Government motion for a protective order was denied. At this point, the Justice Department asked the court for an in camera hearing, to take place before the opening arguments. This would give them the opportunity to object to the defense's "high-level" conspiracy theory before it was presented to a jury, and to review any "national security matters" before they were made public during

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



the trial. Judge Robinson denied this motion, too, and the Justice Department appealed.

On January 26, a Federal Appeals Court upheld Judge Robinson, ruling that the relevance of intelligence data to the perjury charge would be tested in open court. As a result of this ruling, the Government had to decide whether to allow its secrets to be revealed or to drop its case against Berrellez. On February 8, it decided to drop it.

The Government's perjury case against Berrellez posited a conspiracy of six individuals. The highest-level C.I.A. operative implicated in the conspiracy was Jonathan G. Hanke who, the Justice Department charges, acted without C.I.A. approval. A former C.I.A. agent called the Government's position "absolutely preposterous. Hanke was a low-level bureaucrat," he told us. He "never would have moved without orders from above."

The former agent also wondered why the Government had decided not to prosecute Hanke, even though he was the only co-conspirator named from the agency. When we asked Philip Heymann, Assistant Attorney General in charge of the Criminal Division, about this he declined to say. He also refused to explain why Cubillos's name was dropped from the revised indictment, and why two unnamed C.I.A. agents in the original indictment were neither identified nor indicted for conspiracy to deceive a Congressional investigation.

The Berrellez case is one more in a series of trials in which the Government has expanded the definition of national security to serve its own particular desires of the moment. In the Ronald Humphrey-David Truong case (see "The Capacity to Spy on Us All" by David Burnham, *The Nation*, Sept. 30, 1978), the Justice Department successfully prosecuted a former United States Information Agency officer and a Vietnamese graduate student for espionage, claiming that diplomatic cables leaked by the accused to North Vietnam contained sensitive secrets. To prosecute—to assert the power of the executive branch—the concept of "national security" was expanded to include material which an earlier C.I.A. assessment had found to be worthless. In Berrellez, national security was invoked to defend a decision *not* to prosecute. Both cases are examples of the intelligence community's capacity to manipulate the judicial process in the name of protecting sensitive information.

Richard Helms utilized a tactic similar to Berrellez's when he convinced the Justice Department to drop its demand that he be jailed for his 1973 perjury before the Church committee. Helms's ploy, known as "graymail"—a game one shade lighter than blackmail—was to threaten to reveal state secrets in open court as part of his defense. Under self-imposed pressure, the Government backed off from prosecution and agreed to a plea-bargained fine.

Graymail was discussed at length last year by Senator Joseph Biden's Intelligence Subcommittee on Secrecy and Disclosure. The description of the tactic in the subcommittee's recently issued final report sounds familiar: "An agency official prosecuted for deceiving Congress might offer the affirmative defense that it was the pattern or practice of agency officials either to conceal classified information in Congressional hearings or even to deceive Congressional committees. . . . Obviously, both of these proofs [of agency practices] would have required the disclosure of a considerable amount of extremely sensitive, classified information."

The Berrellez case may be a textbook example of how the graymail game is played. Defense lawyer Wall may have simply pushed his pretrial discovery request to the point where the evidence obtained threatened to embarrass the Government. During the two days of closed-court hearings described in the documents sent to *The Nation*, Wall let the Justice Department see exactly what he had: allegations of an extensive C.I.A. conspiracy that included among its members the current Foreign Minister of a friendly power. The Government chose not to risk further disclosures and moved to limit Wall's case. Having lost this motion in the lower court, and an appeal, Federal attorneys were faced with the decision of whether or not to continue the case against Berrellez in open court.

As Frank Donner, a longtime observer of the intelligence community, points out, the Justice Department can benefit from graymail. "Given the political climate of our post-Watergate society, the Justice Department can back off from a touchy prosecution, and thus have it both ways. They can say to the public,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

'We *tried* to prosecute, but couldn't.'" The C.I.A. can also win by getting a case dropped. As the agency sees it, graymail is a double-edged sword. Says Donner, "First you protect the extent of your covert activities in Chile with 'plausible denials'—you deceive a Senate investigation—then you turn around and prevent the Government from prosecuting the original perjury by raising the issue of 'national security.'"

In other words, Justice, the C.I.A. and the defendant all win, while the public is kept in the dark, never knowing if evidence concealed behind the curtain of national security is not merely scandalous or politically embarrassing material. "National security" is an abuse-inviting term and, as the Watergate investigation revealed, often a code phrase for covering up the Administration's errors. In the Helms perjury case, for example, many Washington sources believe the Government dropped its case not because "The trial . . . would involve tremendous cost to the United States and might jeopardize national secrets," as the Justice Department explained at the time, but because Helms threatened to "bring down" Nixon and Kissinger with him.

The Berrellez case may be a similar instance of the Government's invoking national security for dubious reasons. The sensitive secrets that the C.I.A. and the Justice Department claim to protect may turn out to be embarrassments relating to the political use of the C.I.A. in Chile rather than bona fide national security matters. It now appears that claims of a compromised national security are being fashioned by L. Patrick Gray III, W. Mark Felt and Edward Miller, retired F.B.I. officials now facing trial in the Weathermen break-in case. Again, graymail clears the bases, sending the Carter Justice Department, the F.B.I. and the defendants home free of political, internal bureaucratic and punitive burdens.

Some solutions to the graymail game have been proposed that more or less sidestep the national security catch-22. Philip Lacovara, former deputy solicitor general, and counsel to Watergate prosecutors Archibald Cox and Leon Jaworski, outlined before Biden's subcommittee an in camera procedure such as the one requested by the Government in the Berrellez case. Staff members say privately that a statute allowing for this procedure is already in the draft stage, and will be introduced in Congress within the next few months.

The most serious objection to such a procedure comes from civil libertarians, who argue that it would hamper the defense. But there is another flaw: a closed discussion of sensitive information could be easily opened by a well-timed leak to the press, which would undermine the entire proceeding. In fact, the possibility arises that, given closed hearings such as those suggested in the Biden report, and the one slapped on the Berrellez case, leaking may become a refinement of the graymail game and, at this time, a way of averting Biden's proposed law as well.

Thus, a former C.I.A. agent who was shown *The Nation* transcripts suggested that the C.I.A., or individual members of the intelligence fraternity, might have leaked the documents in hopes of subverting both the trial and the proposed statute. In his opinion, the C.I.A. could point to the leak and subsequent publication as proof that in camera hearings are easily circumvented. "After all," he said, "Cubillos's relationship with the agency is almost a matter of record. This would be an ideal 'secret' document to leak, because the C.I.A. wouldn't be damaged by its publication. The content is not as significant as the leak itself." The C.I.A. might, under this theory, be willing to sacrifice a few operatives—in this instance, Hanke and Cubillos—in order to prevent the establishment of a precedent for the future prosecution of C.I.A. agents.

But even if the Biden subcommittee's proposal were to become law, would that law preclude the defense from conducting an investigation of a cover-up, such as the one attorney Wall alleged was active in the Berrellez case? In other words, would the Government permit the defense to bring in not only the unexpurgated testimony of Berrellez but also that of Hanke and unindicted co-conspirators and unidentified "higher-ups"? The answer probably is still no. For, although an in camera hearing would allow the Government to proceed somewhat further in a case, once it decided that certain national security matters were likely to emerge in a subsequent trial, it might well desist.

When our Government backs off from cases it deems too "sensitive" to handle, a deeper issue is raised, striking at the heart of the rule of law itself. If members of the intelligence community can routinely commit crimes and then hide behind a plea of national security, the principle of equal justice under law is in jeopardy.

Jack Blum, associate counsel to the 1973 Church committee, told *The Nation*: "Any intelligence charter Congress can come up with in the next few years will be meaningless if we can't prosecute offenders. What happens if the spy business goes corrupt? How will we know? How will we find out if, via graymail, the culprits can hide behind secrets?"

Perhaps the best answer to Blum's question was given by Philip Lacovara at the Biden subcommittee hearings:

> We've got to swallow hard to absorb the damage in order to show people that they do not have a license to lie, cheat, steal, spy and kill, that the involvement of national security information does not provide immunity against federal investigation and prosecution.

Latter-day "star chamber" proceedings, in which the public interest in holding intelligence services accountable to legal and constitutional standards is sacrificed, are not the final answer. Unless we resolve that no intelligence operation or operator is beyond the law, our intelligence services will continue to be breeding grounds for the lawlessness, ideological bias, corruption and overkill that flourish in the darkness. □

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS & THE ARTS.

Cold-War Cinema I

NORA SAYRE

This is the first of a two-part essay.

The radiant Slavic faces glowing above embroidered blouses in *Song of Russia* (1943), in a land where "It's a privilege to drive a tractor" and the benign chuckles of Stalin in *Mission to Moscow* (also '43), were replaced by grimaces in *Iron Curtain* (1947), where being Russian means scowling, and by the vast mustachioed octopus snaking its tentacles over a map of the world in *Red Menace* (1948), when the fervid patriotism of our wartime movies yielded to the cold-war cinema—soon after the House Committee on Un-American Activities began to investigate the film industry.

Even before the hearings of 1947, it was obvious that chairman J. Parnell Thomas was convinced that some Hollywood Communists had inserted their beliefs into various scripts—although almost no evidence was submitted, and despite the fact that screen writers had hardly any control over their material after it reached the producers. Throughout the 1951-52 hearings, the content of movies was less at issue than the naming of names, and of course the committee was more interested in publicity than in "subversives." However, even films with moderately liberal trappings were censured. Immediately after the war, many film makers had been concerned with social themes, and movies that explored contemporary problems were just beginning to appear when they became suspect. Today, inspecting the cold-war pictures reveals the preoccupations and the obsessions of the period—as well as the mentality of the studio executives who hoped to please the public.

The Best Years of Our Lives (1946), the ultra-American weeper which nonetheless contained some robust social criticism, was rebuked by a friendly witness before the committee because it portrayed a bank's reluctance to give a veteran a G.I. loan. The witness referred to "the party line of making the returned soldier fear that the world is against him, that the American principle is against him, that business is against him. . . ." Five days later, director William Wyler remarked on the radio that he would no longer "be allowed" to make such a film, due to "the activities" of the committee. Admittedly, the movie didn't mesh with the doctrines of Ayn Rand's booklet, *Screen Guide for Americans*, published by the Motion Picture Alliance for the Preservation of American Ideals, which warned, "Don't Smear Industrialists," along with, "Don't Smear the Free Enterprise System" and "Don't Smear Success." Rand wrote, "Don't ever use any lines about 'the common man' or 'the little people.' It is not the American idea to be either 'common' or 'little.'" Moreover: "It is the *moral* (no, not just political but *moral*) duty of every decent man in the motion picture industry to throw into the ashcan, where it belongs, every story that smears industrialists as such."

Best Years smeared no one. But it depicted the unsympathetic—even humiliating—employers, insensitive relatives and indifferent communities to which veterans returned. Civilians keep urging the former fighting men to "forget" the war: "Snap out of it!" And banker Fredric March angrily upbraids his own company for its resistance to making loans to ex-G.I.s who have no collateral. Uneasy references to living with the atom bomb, the priorities of finance that so swiftly replaced the war effort—"Last year, it was 'Kill Japs,' and this year, it's 'Make money,'" March declares with real revulsion—and the shortage of opportunities for those who need work all add up to a definite critique of postwar society.

Afflicted by giantism, the movie cannot spare us any kind of repetition: when two men get drunk, we have to see two protracted hangovers; in Robert E. Sherwood's script, the felicities or aggravations of any marriage are spelled out in monumental skywriting. (Still, March's fine performance as a traditional yet rebellious businessman, sometimes rescues the film from its own turgidities.) The actresses in the movie have almost no function beyond tucking men into bed—this scene, evocative of a Freudian night nursery, occurs three times—and there are lunges into the ludicrous, as when, Teresa Wright behaves as though one quick kiss in a parking lot were an extended orgy. That anyone could have viewed this film as even mildly radical was a signal that movie makers would have to become much more cautious—as they did in the 1950s. However, when the committee announced that it was going to question Sherwood about *Best Years*, producer Samuel Goldwyn demanded that they furnish "facts," or else he would sue for damages. Some felt that Goldwyn's response helped to halt the 1947 investigations, although the end of those hearings had no effect on the blacklisting of many who had worked in motion pictures.

The Senator Was Indiscreet (1947), written by Charles MacArthur, rewritten and produced by Nunnally Johnson, was the only film ever directed by George Kaufman. This very gentle satire, which Joseph McCarthy called "un-American" and "traitorous," outlines the career of an incompetent Senator (William Powell) who is unfit for any trade except running for President. The script reflects a Menckenish conviction that politicians are idiotic as well as corrupt. Persistently, the movie spoofs the treacheries of the party regulars, and luxuriates in the idea that a Presidential candidate can be packaged and sold to the voters. As a child, I watched some of the scenes of *Senator* being shot, and can testify that the joviality on the set was not a front for political conspiracy. The film makers' most urgent conferences often focused on Ella Raines's tendency to fluff her lines during speeches that required rapidity.

Nunnally Johnson was astounded by the uproar that arose over *Senator* even before it was released. At a screening, Clare Boothe Luce whom he'd known for years, asked loudly, "Was this picture made by an American?" The movie was attacked by the American Legion, and by many newspapers. The Eastern Pennsylvania and Rocky Mountain Units of the Allied Theater Owners stated that "the picture will be recommended highly by *Pravda* and the party line. . . . We should remember the adverse propaganda of the pre-war and early war period that Germany and Italy used against us by presenting *Mr. Smith Goes to Washington*, *Grapes of Wrath*, *Tobacco Road* and gangster and crime films as true portrayals of American life." The Motion Picture Association of America had initially given approval to the script, but then forbade

Nora Sayre, author of Sixties Going on Seventies, *is now working on a book about the 1950s, from which this is an excerpt.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

its being shown abroad. *Senator* was a financial disaster.

With a lurch of hindsight, several films of 1943 were examined for political taint in 1947. *Mission to Moscow*, directed by Michael Curtiz, was sloppily based on Joseph Davies's best seller, which had been serialized in *The Reader's Digest*—a rather rum context for a narrative that was so flattering to the Soviet Union, to which Davies had been Ambassador from 1936 to 1938. The movie—written by Howard Koch, an uncooperative witness who later specified that he hadn't been a Communist but was blacklisted anyway—is a gargantuan mash note to our ally. J. Parnell Thomas was certain that the Government had "forced" Warner Brothers to produce it, and that it was federally subsidized, but Jack Warner awkwardly denied that when Thomas questioned him. In his 1965 memoirs, however, Warner claimed that F.D.R. did ask him to make the movie, in theory to help persuade Stalin not to make a second pact with Hitler if Russia suffered losses on "major fronts." Warner wrote that he was "powerfully disturbed," but "I considered F.D.R.'s request an order." Warner added that Stalin endorsed the movie for distribution throughout the Soviet Union. It was also rumored that Ivy Litvinov, whose husband was then the Soviet Ambassador to the United States, had been an unofficial adviser for the movie.

Davies's belief that an alliance with the Russians was crucial to the defeat of Hitler, and his commitment to negotiating with Stalin, was as acceptable during the war as it was repellent to prewar isolationists and postwar anti-Communists. Much of the movie builds toward an explanation of the Nazi-Soviet Pact. Britain, characterized by the reactionaries of the Chamberlain Government, and France, are blamed for failing to enter on a policy of collective security. Stressing that the Russians feel that the Allies are rejecting them, the Ambassador predicts: "If the democracies continue to look down their noses at Russia . . . they'll drive Stalin into Hitler's arms!" After the German invasion of Russia, Davies insisted that the Red Army would perform very well—contradicting the military experts who said that "Moscow will fall in six weeks."

Otherwise, this docu-drama does merit J. Edgar Hoover's charge that it was "a prostitution of historical fact." The Moscow trials of 1937 and 1938 are garbled together into one event, so that Radek and Bukharin appear in the same courtroom—when they were actually tried a year apart—along with Marshal Tukhachevsky, who had been shot without a public hearing nine months before the Bukharin-Krestinsky-Yagoda trial. Hearing a dead man testify does add spice to the movie, especially since his lines were really the words of the accused Muralov.

The film insists on the guilt of the defendants in conspiring to kill the officials of the Kremlin and to overthrow the Soviet Government with the aid of Germany and Japan, a plot which would "lead to eventual war with the United States," according to the movie, not Davies himself. (In his book, he quotes a few unidentified diplomats who thought that the trials were fraudulent and that the witnesses had been tortured—as well as the majority who believed that the Soviet Government had proved its case.) Davies's memoirs show that he was "reluctantly" convinced of the guilt of the accused. But he was also appalled by the purges of the Stalin regime, whereas in the movie Davies accepts them calmly. As soon as the defendants are sentenced to death, the film shifts hastily to some pleasing parachute displays, thus skirting the messy topic of executions.

The release of *Mission* brought some outraged letters to *The New York Times* from John Dewey and Suzanne La Folette, secretary to Dewey's International Committee of Inquiry into the Moscow Trials of 1937-38, and a scorching correspondence followed. Dewey was disgusted by the movie's falsification of the trials. One writer retorted that Walter Duranty, *The Times*'s Pulitzer Prize-winning Moscow correspondent, had believed that "substantial justice was rendered in the trials." The passions of the period erupted in the ensuing exchange, amid vehement demands for "objectivity" on both sides.

From the moment when F.D.R., a faceless figure, reduced to an arm pouring tea and a disembodied voice, orders Davies (Walter Huston) to Moscow, much of the movie is relentless comedy. In no other film have I seen so many spinning globes, the props most essential to *Mission to Moscow*; again and again, world leaders pensively twirl the spheres on their desks while asserting that peace (or war) is possible. There are also glimpses of stationary globes. The Germans are represented by a few officials who are given to chortling, "The Americans have become very naive—heh, heh, heh!" while all the Russian leaders have beautiful manners, and they usually wear white tie and tails.

Beaming at parades of tanks and troops, the Ambassador's family basks in the affabilities of Soviet social life. We hear snippets of chat at embassy balls: "How are things in Geneva?" and "There's time to walk the tightrope between the great powers." More globes are spun. The American Ambassador tells Stalin, "I believe, Sir, that history will record you as a great benefactor of mankind," which was not in Davies's book, although he did write that Stalin's "brown eye is exceedingly gentle and kind. A child would like to sit in his lap and a dog would sidle up to him." George Kennan has charged that Davies pretended, for the sake of "personal publicity" at home, that the Soviet-American relationship was far more affectionate than it actually was. Still, Davies did denounce the police state, as the movie never does. As the Allies finally prepare for "the People's war," the film ends with a vision of a transparent city rising against the clouds, while a voice makes pledges to "unborn generations" and then asks, "Am I my brother's keeper?" A throaty chorus sings, "Yes! You are! You are, yes, you are your brother's keeper. Now and forevermore."

Revolution isn't mentioned in the movie, nor is Communism. The director's principal achievement was forcing Walter Huston to speak quickly. James Agee's reflections on *Mission* have weathered admirably: ". . . the film is almost describable as the first Soviet production to come from a major American studio. Almost, but not quite. For it is indeed, as Manny Farber has well said, a mishmash: of Stalinism with New Dealism with Hollywoodism with journalism with opportunism with shaky experimentalism. . . ."

Agee emphasized that the movie marked "the first time that moving pictures have even flexed their muscles in a human crisis." But since the film perverts so much of Davies's book, it's astonishing to see him appearing in the prologue, praising "those fine and patriotic citizens, the Warner Brothers." Still, his ear wasn't finely tuned to nuance, let alone violent distortion; Edmund Wilson called him "the greatest master of bad official English since the late President Harding." And it's true that Davies's style rarely disappoints; in April 1938, he wrote, "Things sure have been popping here since our arrival. . . . There is never a dull moment in Moscow."

The natural exuberance of the Rus-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sian people in *Mission to Moscow* is exceeded only by their ungirdled gaiety in *Song of Russia*, which was directed by Gregory Ratoff, written by Richard Collins, who later gave twenty-three names to the committee, and Paul Jarrico, who was blacklisted after Collins and others had named him. Ayn Rand, in her testimony before the committee, was not inaccurate when she protested that there was too much smiling throughout the movie. As a Russian emigre who had left her country in 1926, she also objected to the scores of radios owned by peasants, and to their access to long-distance telephones. Actually, the Russians in this film are quite like the movie-Negroes of an earlier Hollywood: a jubilant race, addicted to music and laughter, blessed with inborn rhythm.

Robert Taylor first told the committee that he had been pressured to appear in the movie because the Office of War Information had wanted M-G-M to make it, and that he was kept from joining the Navy until the project was finished. He later retracted that statement. But his remorse for having starred in the picture was highlighted by his eagerness to identify several persons who were "reputedly fellow travelers or possibly Communists." In *Song of Russia*, he was cast as a distinguished American conductor touring the Soviet Union before the Nazi invasion—in fact, during the period of the Pact, although the film admits to no alliance between Stalin and Hitler. He conducts our national anthem as though he were serving a series of tennis balls, and the scene dissolves from New York to Moscow, where a Soviet band continues "The Star-Spangled Banner" beneath a flag with a hammer and sickle. ("That," said Ayn Rand, "made me sick.")

Taylor's romance with Susan Peters results in spooning along the Volga and dinner in an opulent nightclub where he exclaims, "I can't get over it! Everyone seems to be having such a good time!"—instead of "brooding about their souls," as Russians are reputed to do. Their rapture peaks with the discovery that she is "just like an American girl": indeed, the whole movie alleges that Russia and America are spiritual twins. When the Russians knock on wood, it's explained as "an old Slavic custom." Taylor is smitten with the entire country, especially after Tchaikovsky "did something to me way deep down inside."

Visiting the heroine at her parents' farm, where she repairs ploughs and drives a tractor in a ruffled blouse and fresh lipstick, he's soon voluptuously sifting grain through his fingers with her father, who appears to be a Yiddish comic from Manhattan's Lower East Side. Due to M-G-M's vigilance, the screen writers were not allowed to indicate that these happy peasants worked on a collective farm, and they had to cut the word "community" from their script. As in *North Star*, which was also made in 1943, the Russian farmers revel in the delusion that they own their land: there are many fond references to "our soil" and "our earth."

The lovers are married in a local church by a benevolent priest. Then the Germans invade. Peters rushes off to her "anti-parachute work," making Molotov cocktails from vodka bottles, and tour manager Robert Benchley recalls how his forebears in Lexington, Mass. "also fought to defend their country"—another line that infuriated Ayn Rand. The movie suggests that the Nazis are dreadful because they've separated the newlyweds. And yet the film is momentarily touching—when

Mrs. Nurtjahja Murad has been

IMPRISONED WITHOUT TRIAL

in Indonesia since 1968. Her "crime": being married to the younger brother of an opposition political leader.

Nurtjahja Murad and half a million other "prisoners of conscience" are in jails around the world, not for anything they've done, but for what they believe. Help us help them. Write—

AMNESTY INTERNATIONAL

2112 Broadway NY, NY 10023 • 212-787-8906

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Russians scorch their own earth. Finally, Taylor and Peters are sent home to preach the message of the peasants to America: "We are soldiers side by side—in this fight for all humanity." In sum, *Song of Russia* is hardly a left-wing movie, and *The New York Times* may be forgiven for calling it "a honey of a topical musical film."

Ayn Rand was especially incensed by the spurts of Christianity throughout the movie, and she told the committee that a Communist who had "anything to do with religion" would be expelled from the party. However, some of the Communist script writers weren't at all shy of God. In *Action in the North Atlantic* (1943), written by John Howard Lawson with additional dialogue by Alvah Bessie (two of the Hollywood Ten), the deity is almost overworked; a character affirms: "I got faith: in God, in President Roosevelt, and the Brooklyn Dodgers, in that order of their importance," and when Raymond Massey, shouting defiantly at a submarine crammed with Germans, is told that they can't hear him, he replies, "No, but God can."

The movie, a hymn to the merchant marine, has only one line that waves even faintly at the left: a seaman refers to a Russian plane as "one of ours." Otherwise, like *Cloak and Dagger*, an ode to the C.I.A.'s predecessor, the O.S.S.—written by Albert Maltz and Ring Lardner Jr., who were also among the Ten—*Action* proves that almost no one wrote more passionately patriotic movies than American Communists did in wartime. Most of the combat films were scripted during the period when the party was thoroughly committed to the war effort, when national chairman Earl Browder called for total support of Roosevelt's policies at home and abroad. The *Report on Blacklisting*, commissioned by the Ford Foundation's Fund for the Republic (and edited by John Cogley) which later confirmed that there were no traces of Communism in the 159 movies that the Ten worked on before they were blacklisted, did note that a few were "over zealous" in their treatment of "war content."

Tender Comrade, Robert Louis Stevenson's term for a wife, directed by Edward Dmytryk and written by Dalton Trumbo in 1944, is probably the most asphyxiating of the wartime uplift movies. Ginger Rogers rents a house with several women who work at an aircraft factory while their husbands fight overseas. Regarding their domestic arrangements, Kim Hunter says, "Share and share alike—isn't that right?" Mady Christians nods and answers: "Democracy." This exchange displeased Rogers's mother, who scrutinized scripts at R.K.O. and was supposed to be attuned to "hidden" Communist propaganda, as though it were a whistle that only a dog could hear.

Perhaps Trumbo and Dmytryk, also members of the Ten, thought that they were abetting feminism by depicting women coping with life on their own. However, the heroines are hopeless at economics, lumpish in discussion—"Gee, aren't men fools?" "Yes, but aren't they sweet?"—and feebly dependent on talking to photographs of their husbands. Strumming on their pride in the men who serve their country, most resist "lunch-stand Romeos," but the movie would have been much more interesting if the Motion Picture Code had allowed the women to discuss sexual deprivation, which does pervade the atmosphere of the film.

Flashbacks transport us to Ginger Rogers's life with Robert Ryan, here wrenched away from his normal role as a grinning psychopath to participate in one of the most bizarre marriages that was ever idealized on screen. He assails her for using his razor, she berates him for rims in the bathtub. But their savage brawls are projected as beguiling spats. They decide to postpone parenthood because "It wouldn't be fair on the little guy to be born in wartime." Nonetheless, Rogers becomes pregnant during a night when she sleeps on a chair while he "hogs" the bed; it's tempting to deduce that sex occurred standing up or on the floor.

However, her garrulous lecture to her baby, after she receives word of her husband's death—"He died for a good thing, little guy, and if you ever betray it, you might as well be dead too. . ."—suggests that she cherishes the man in death as much as she loathed him in life. Unstrung by patriotic grief, she also seems to have switched babies: the infant in this scene bears small resemblance to the one seen earlier. Still, she promises the little stranger that it will "have a wonderful century," thanks to its father's demise. As James Agee observed, *Tender Comrade* should delight misogynists, and if I opposed the Equal Rights Amendment, I would screen it weekly.

SHOULD THE MOONS COME OVER

In that July we seldom speak of
these waters ran more than pickerel
past Mayberg's bend. I too
wait a strike of clean death
dear frog, swimming the backwash
off other shores. Even now,
reeling you in limp over water
stars rise to whisper you home.
You are home where ripples bow
in the wash of countless pebbles.
Here, a bat zigzags for mosquitoes,
and what is left, the moorhen sings.

Why won't they close their eyes
when they know full well
there is nothing more to be said.
Craig, I hate you for this,
those pupils gaping wide and me
finding you where two quarter-moons
found your leg among cattails.
The bullfrog you were after will breathe
a slow winter under mud.
As you limped across the Mayberg
did you notice in stale foam
handballs bobbing too dead to bounce?
Don't think you know more than me.
For an hour I blew air down your mouth
and watched your lungs rise then fall.
The bullfrogs, Craig. The bullfrogs
are calling to one another.
They are pairing up.

Mark Rubin

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Audiences of 1949 may have been startled to hear that "the world is perishing from an orgy of self-sacrificing." But only those who had read the 754 pages of Ayn Rand's *The Fountainhead* could have followed the tormented logic of her script, which is riddled with the themes of her "Objectivist" philosophy. The screen version, directed by King Vidor, must be revered as one of the funniest films of any period. Gary Cooper is the architectural genius who's hated because he's a "visionary" and "an unbridled individualist." Wicked "collectivists," who announce that "there's no place for originality" and who pander to "the rule of the mob," demand that he compromise in designing his buildings; we see the hands of his enemies adding Doric porticoes, pediments and colonial trimmings to the models of his skyscrapers. Since his work resembles the Los Angeles airport, the result is breath-stopping. Refusing to "conform," he protects the integrity of his art by dynamiting a housing project that deviates from his initial plans. Finally, he triumphs over the "parasites" who conspire to "enslave" his gifts. Presumably, his unique talents flourished to produce masterpieces like the Americana Hotel and the General Motors Building.

Although it was built on a best seller, the film was a financial failure. But probably few who saw it then recognized it as a right-wing movie, clumsily adapted from the ardent anti-Communism of the novel. In the book, any whiff of "altruism" or "self-sacrifice" is equivalent to totalitarianism and "equality" is really "slavery." In fact, "selfless" means Communist—and those who call themselves "intellectuals" are notoriously unselfish.

The movie contains only some of the ferocious disgust that surges through the novel: disgust for "the masses," for the inferior, and for those who "organize" them. The hero and the heroine are presented as chips off a master race, and they're biologically superior to others—whereas evil always has a lamentable physique. It's intimated that the weak deserve to be destroyed, and it's clear that they deserve to suffer.

Rand, who venerates ruthlessness, is contradictory about power, which she praises when it's allied to making money, but deplores when it means "ruling" others—as though old-fashioned laissez-faire capitalism (which she exalts) never partook of a pecking order. Her master folk assert that they don't want to dominate anyone, and yet they are blazing authoritarians who impose their wills on everyone else. Meanwhile, sexual suffering is glorified: "She had found joy in her revulsion, in her terror and his strength. That was the degradation she had wanted. . . ." These are piquant themes to enlist in the cause of human rights. Rage courses through Rand's work: no one can be weak or mediocre or mistaken without being depraved as well. Denouncing oppression, she recommends an oppressive society. In her one-woman war against tyranny, she writes at times like a quasi-anarchist. But in other passages, she enshrines dictatorial temperaments.

Even though all of these ideas don't reach the screen intact, Rand's paramilitary romanticism billows through the film. Patricia Neal and Cooper collaborate on a sadomasochistic passion in which rape is more satisfying than "surrender." Neal first glimpses Cooper laboring in a granite quarry: she immediately falls in love with his drill, which flashes back in her fantasies when she's gazing into her mirror. Before they're introduced socially, she slashes his face with a riding crop, a sign of overwhelming attraction.

Once Neal examines Cooper's work, she dotes on his spire as much as on his drill. He becomes more passive as she grows more amorous—"I loved you," he says drearily, "the first moment I ever saw you"—and he doesn't even seem to enjoy watching her flog her horse. When she evokes her "burning desire" for him, he listens politely while gazing into space, and then responds with all the sexuality of an ironing board. Otherwise, he tugs at his lapels to convey individuality. The movie climaxes as the book does—with the heroine soaring upward in an outdoor elevator on her beloved's tallest creation: he stands on top of the erection of his palace of fallacies, while she gazes worshipfully at his body outlined against the sky.

Rand's political convictions undoubtedly eluded many who throbbed to the novel or went to the movie. But the studios were already beginning to produce some films whose content she must have esteemed: *Red Menace*, *Red Nightmare*, *Red Danube*, *Invasion U.S.A.*, *I Married a Communist*, *I Was a Communist for the FBI* and *Red Planet Mars*. □

Coming Soon
An essay on Bernard Malamud's *Dublin's Lives* by Mark Shechner.

One Man's War

TERRENCE DES PRES

TO BUILD A CASTLE: My Life as a Dissenter. *By Vladimir Bukovsky. The Viking Press. 438 pp. $17.50.*

As novelists know, a well-told story invites revelation, confirms specific reality. Vladimir Bukovsky's *To Build a Castle: My Life as a Dissenter* is not fiction but it is a story remarkably well told, a brilliantly rendered account of what I would call "the Soviet condition" and, in revolt against this condition, the struggle of "man against the state" which informs the dissident movement in Russia. Publication abroad is integral to dissident strategy, and because Bukovsky has neither the fame of a Solzhenitsyn nor the honor of a Sakharov, his voice might easily go unheard among the many voices "from the choir," as another dissident puts it, addressing their communal outcry to Western ears. Bukovsky, or rather his book, should not go unnoticed. With his flair for dramatic form, his superbly intelligent blend of irony and earnest purpose and, finally, his relish for attack, for pure pleasure in fight, *To Build a Castle* reads better, at greater depth and swiftness of comprehension, than any similar book to come out of the dissident movement in recent years.

Bukovsky's indictment of life in the Soviet Union is handled with mature hate and impeccable reserve. But unlike, say, Amalrik's *Involuntary Journey to Siberia* or Marchenko's *My Testimony*, Bukovsky's aim is less to record the particulars of suffering and injustice than to define methods of resistance (although I must say, his descriptions of a punishment cell called "the box," or of what goes on in the mental hospitals, are chilling indeed). His first run-in with the K.G.B. had been at the age of 17, and in 1976, at the age of 34, he was expelled from the Soviet Union. The intervening seventeen years—spent mostly in prisons, labor camps and police-controlled mental hospitals—comprise Bukovsky's "war," as he calls it, a kind of warfare in which the front-line fighters are the victims

Terrence Des Pres is the author of The Survivor: An Anatomy of Life in the Death Camps *(Oxford University Press).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

themselves, men and women who deliberately provoke the state's disfavor and use their own mistreatment as the ground for exposure and protest. Bukovsky's story is thus a history of the dissident movement generally—how the battle began and how it is waged, how the term "dissident" came to refer to a definite political position and how the movement itself acquired the status of a force the state could no longer afford to ignore.

On the one hand, *To Build a Castle* is a lively narrative of concrete events, episodes, confrontations, through which the principles of dissent become manifest. How do you organize a legal prison revolt? How do you subvert your own trial, or deny eminent psychiatrists their duty to pronounce upon the fitness of your mind? On the other hand, Bukovsky uses the example of his own experience to set forth an explicit *logic of dissent*, and apart from the commanding vigor of the story itself, this logic, this tactical system of protest and survival, defines the heroic, lopsided, some would say quixotic, struggle for human rights against governments bent on total domination.

Early in the book Bukovsky offers a sketch of the rise and fall of *naive* dissent—the average citizen's mounting discontent, brief outburst, sudden fear and fast decline—which is, merely as writing, a masterpiece worthy of Chekhov. The implication is that both opportunity and sufficient reason for dissent are encountered by everyone, but that very few survive peer pressure, fear of job loss, the impotence of isolation, not to mention threats of imprisonment, which keep the general population docile. And yet, for every man and woman the moment comes, the recognition of one's relation to the state simply as a member of society. To live quietly and go about one's business in a situation where all jobs and institutions are organs of the state is already to abet the enemy. How, then, be in the world but not of it? How be a citizen of a totalitarian society yet in no way contribute to the state's claim to authority or its hold over the souls of its citizens? The answer, oddly, is to insist upon being just that, a citizen, with all the legal rights assured by the state's own constitution. One invokes "the position of the citizen," and thereby, automatically, one becomes a dissenter.

The next step, if one is to insist upon the citizen's right to speak out, is to abandon "the psychology of the underground"—to sever oneself from all secret organizations, from covert behavior of any sort. Under Stalin, "conspiracy" was the first charge brought against anyone arrested, and Bukovsky observes that the Daniel-Sinyavsky trial was possible only because the prosecution could fall back upon this same "psychology of the underground": the defendants had used pseudonyms in books published in the West, a mistake which allowed the state to claim that they were carrying on clandestine operations. It follows that all activities, from plain conversations to meetings and forms of protest must be carried out publicly, the more broadcast the better. And in every case, the dissident must know and invoke the law as often and as loudly as time and place permit. These tactics will not put an end to harassment and arrest, but they will slow things down, cause official confusion, hamper the otherwise unchecked will of the state, and turn every violation of human rights into an opportunity for legal complaint.

Using themselves as bait, so to speak, dissenters do not waste time proclaiming lofty sentiments and sterling principles, which the state can proclaim just as well. All energies are directed against specific illegalities and particular cases of abuse. Even so, the state might go its old way and overlook the isolated case, the individual outcry, were these tactics not fortified by the two fundamental instruments of dissent: solidarity and publicity. The moment any member of the dissident community is arrested, put on trial or sent to the camps, all other members begin a ceaseless campaign of protest. And this tactic, in turn, depends on publicity, not only as a means of amplification but as an essential form of self-defense. Pasternak was the first to publish in the West, but Solzhenitsyn was the first to use his reputation as a means of protection. Other writers followed suit, thereby creating attention at home and abroad, spreading information and magnifying their cause, making themselves visible in ways less vulnerable to sudden disappearance, calling fierce attention to violations of human rights and especially to the way the state conducts itself in the courtroom.

Publicity has remained the best weapon of defense *and* attack against the Soviet state, but it has also provoked the K.G.B. to a sinister countermeasure: instead of arrest and a trial, why not send dissidents to mental hospitals where they can be pronounced "not responsible" for their actions and therefore unfit to stand trial while yet in need of detention. This has become one of the worst threats to the dissident movement. Protest becomes paranoia, unwillingness to cooperate becomes schizophrenia, and if "repentance" is offered, in order to gain release, the dissident has condemned his or her own position. Bukovsky escaped this trap once through the intervention of Amnesty International. He escaped again because rival schools of psychiatry would not agree on a diagnosis. Bukovsky's counterattack, on the principle of turning misuse to use, was to collect documentation to prove that psychiatric care, in the Soviet Union, has been suborned by the state.

Bukovsky is no longer an active dissident (at present he is studying biology at Kings College, Cambridge), but it is not impossible to see in his story a rare but real victory. Because this kind of "war" against the state is endless, the dissident becomes a type of survivor, someone who never wins but only loses less than everything, someone whose foremost moral and political value resides in the fact that he or she *exists*, fights this fight, insisting thereby that the basic human rights of life and liberty *are* rights (pursuit of happiness is too far off to consider), a reminder to all of us that our humanity arises out of, and cannot be separated from, our will to resist injustice and official misrule. Even so, dissident activities are largely symbolic, a struggle to have this or that law respected, this or that principle agreed to, with only the smallest gains—the establishment of a precedent, for example—to be hoped for.

Admitting this barest of victories, let us not be misled, so strong and hopeful it seems, by the final impact of Bukovsky's book. *To Build a Castle* is a beautiful monument to conscience as a political force, a celebration of the dissident spirit, a finely human account of one person's "war" against the state. But to read Andrei Sakharov's recently published *Alarm and Hope*, which on many issues dovetails with Bukovsky, is to see how desperate the plight of dissidents has again become. This does not discredit Bukovsky; his example stands out more boldly than before. Only, it seems plain that in Russia the growth of a dissident community strong enough to guarantee basic rights—which is what Bukovsky's metaphor, "to build a castle," refers to—still has a long way to go. Prominent dissidents are expelled or harassed to the limits of endurance. Members of the younger generation "accidentally" die, are sent to the camps, are condemned to insane asylums before they have had time to acquire protection through prestige

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and public care. Nevertheless—and when has anything decent been attempted without this central word—nevertheless, the "war" goes on. □

Chekhov in Swingtime

GEORGE BLECHER

THE BASS SAXOPHONE. *By Josef Skvorecky. Translated from the Czech by Kaca Polockova-Henley. Alfred A. Knopf. 209 pp. $8.95.*

Graham Greene in a blurb for *The Bass Saxophone* suggests that its author can "stand comparison" with Chekhov. The comparison rings true: both Chekhov and Skvorecky give us a sense of complete commitment to their characters and to the belief that literature, every careful word of it, can change people's lives.

Except for this unfashionable idea about the power of literature, there is nothing at all old-fashioned about Skvorecky's work. On the contrary, he is a writer who was at the center of Czechoslovakia's brief golden age in the 1960s, a friend of film makers like Forman and Passer, and a thorn in the Government's side ever since his first novel, *The Cowards*, was published in 1958. (He now lives in Canada.) Also, his tone of voice is much like the one we have come to associate with "modern" Czech narrative art—a mixture of wryness and melancholy which seems to mask a substantial despair. But it is in the breathlessness of his writing, his wish to give extra intensity to every moment of his characters' lives, that he does seem to belong to a richer, more involved literary era.

Much of Skvorecky's special intensity comes from his passion for jazz. Jazz winds through the two novellas in this book like a genial spirit of anarchy and individualism, breaking psychological and social barriers as it goes. In some passages, Skvorecky manages to do something many American writers will envy: he gives us the actual *feeling* of jazz.

In *Emoke*, for instance, a novella first published in Czechoslovakia in 1963, jazz brings a young Prague intellectual together with a troubled woman who seeks release in a Sun Myung Moon-like mysticism. There are wide gaps between them—her too-fragile ego, his jaded view of women—and Skvorecky offers no real hope that they can stay together. But there is jazz, the possibility of brief, intense intimacy through an art which lives in the moment. In a scene which is at once sad and funny, the hero, drunk on wine and love, finds himself whispering blues phrases into Emoke's ear which seem to come from "the heart and throat of a half-stoned black shouter of the Memphis periphery." His naivete is touching, and the moment is much too delicate to last, but at least it's happened: they've made contact. Given the bounds of Skvorecky's gentle pessimism, that's about all we can expect.

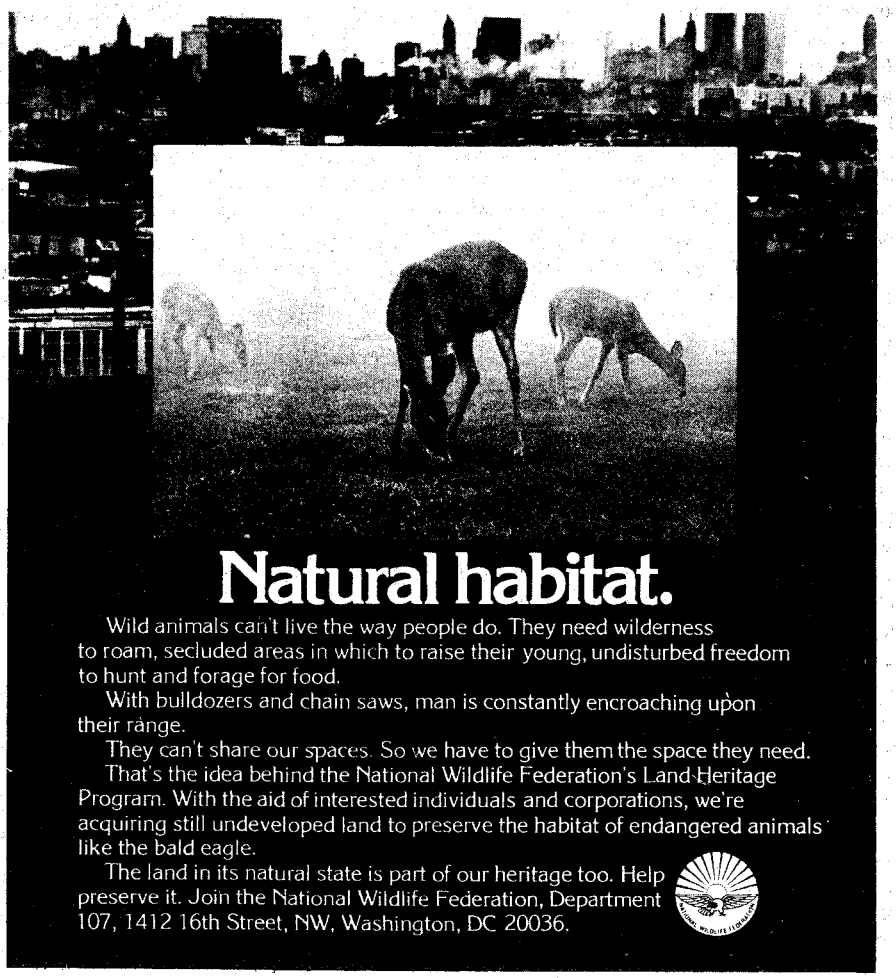
The power of jazz to break through conventions into real feeling is even more apparent in the title novella (1967). Here a jazz-struck teen-ager in a Nazi-occupied town in Czechoslovakia is seduced by the sight of a bass saxophone, an instrument as rare and beautiful as a dragon, into playing in a German touring band for the local Nazis. He knows he's not supposed to—what will people think?—but he also knows that his experience with Germans has been complex: he's even known some who've loved jazz. So he plays, and in the midst of his performance a miracle occurs: the owner of the sax, a German who's been lying unconscious in a hotel room, seizes it out of his hands and plays a long cry of defiance at the Nazis:

> It sounded like the wild fight of two cruel, dangerous and powerful animals roaring at each other. . .huge sobs poured out of the corpus, roars thousands of millions of years old.

Plot summaries, I'm afraid, may not give a sense of the depth and richness of these two novellas because the richness is partly in the writing itself, long, curling sentences that improvise like jazz solos but never completely lose touch with the narrative. Few writers seem as comfortable, as *at home* in fiction as Skvorecky, and so he lets the writing take its own time, describing how the sun drips like honey down the walls of the square in *The Bass Saxophone*, or the way the narrator's fingers silently descend the instrument's valves "like the tiny footsteps of a minute priest in a metal sanctuary."

Though the rich language is essential in making us feel Skvorecky's sense of

George Blecher is a short-story writer who teaches literature at Lehman College, City University of New York.


Natural habitat.
Wild animals can't live the way people do. They need wilderness to roam, secluded areas in which to raise their young, undisturbed freedom to hunt and forage for food.
With bulldozers and chain saws, man is constantly encroaching upon their range.
They can't share our spaces. So we have to give them the space they need.
That's the idea behind the National Wildlife Federation's Land Heritage Program. With the aid of interested individuals and corporations, we're acquiring still undeveloped land to preserve the habitat of endangered animals like the bald eagle.
The land in its natural state is part of our heritage too. Help preserve it. Join the National Wildlife Federation, Department 107, 1412 16th Street, NW, Washington, DC 20036.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the preciousness of each moment, he is never far from his central concern: the pain of oppression. In a long, loving preface to the volume, he shows how during both World War II and the Communist takeover, Czech jazzmen became unwilling heroes simply because their music was perceived as a threat to power. But he is quick to emphasize that under even these rigid conditions, jazz is much more than social protest: "Its essence is something far more elemental, an *elan vital*, a forceful vitality. . . ." It is this forceful vitality which Skvorecky shares with the musicians he loves and, I think, with any major writer of fiction. □

FILMS

ROBERT HATCH

Despite the heavy drumming for Michael Cimino's *The Deer Hunter*, with a mini-release late in December to qualify the film for the 1978 Oscars, and now a two-a-day run in New York, I find myself indifferent but leaning toward hostile. In this state of mind, I have been reading the quotes that Universal has been flourishing in its advertising. One reviewer declares that the film "dares to say that things have come down to life versus death" (a thing which "things" so often do); another says that the picture has "authenticity ... by the ton"; still another finds that it "joins a thin company that aspires to greatness." The distributors are probably right in their assumption that such verbal acrobatics will stir up a dust of excitement, but they read to me very much like what you say when you feel that the occasion calls for an unusually strong reaction, but you don't quite know why.

The Deer Hunter was written by four authors, one of them being Cimino, who no doubt initiated the project, and I have a prejudice against group narration. What you get, nine times out of ten, is not an original point of view but another twist on a tested formula, a product with the maximum number of selling points, like the annual models turned out by Detroit. The large scale of Cimino's venture, the convincingly realistic details established by a cast adept—as American casts so often are—at mirroring working-class America ("authenticity," as remarked above), the episodes that require the audience to witness extreme physical and mental torment perhaps obscure the fact that trite material is here being reworked. What we are told is that a group of young, second-generation Americans, lusty, raucous, exuberantly extrovert, have within themselves resources of courage, honor and self-sacrifice that raise them to the status of heroes when they are confronted by danger in its most hideous shape. I don't question the premise—ordinary human beings are often extraordinarily gallant under duress—but as a theme, this exaltation of the common man too easily results in hard-hat sentimentality, particularly when, as in *The Deer Hunter*, what we know about the principals is relatively superficial.

In this case, I am also put off by another aspect of the formula—the "big brother," played by Robert de Niro in the title role. Among his friends, he is the disciplined, resolute mentor, the one who organizes the hunt and brings down the deer with a single shot, who keeps the horseplay within reason and punishes fecklessness. And when he and two companions are faced with the vileness of Vietnam, he is the one who struggles against hopeless odds to preserve the bodies and minds of his friends. Such strength is indeed impressive, but unfortunately, in a tale as shallow as this one it is predicated on the weakness of the others, and what you get is a rather patronizing view of the run of men (the women loom larger).

All that said, there are aspects of the film that I admired and enjoyed. I liked its bawdy humor and shy sexuality; I delighted in a joyous, earthy wedding celebration—it symbolized, presumably, the warm side of the life-death confrontation. My impression is that the people responsible for the film really hate war, and I am only sorry that emotional attacks on it never prove effective. We have had them ever since Goya and they have not made a particle of difference. If we manage some day to renounce war, it will be with our brains, not with our emotions. War, not peace, is the gut reaction.

In the end, the Vietnam sections are what tip my scales against *The Deer Hunter*. Without exception, the Vietcong and the citizens of Saigon are pictured as creatures debased almost below recognition as human beings. The Americans whom we see are victims, struggling against horrors that threaten their sanity. As far as our troops were concerned, that was substantially true, but the overall effect of this film is to support the notion that the people whose country we invaded and largely destroyed are an inferior and deplorable race. The picture may go far to ease the national guilt over Vietnam; that, whether or not consciously intended, is one of its selling points. The scene that really shocked me came at the end, when a small group of the survivors gathered in a neighborhood tavern and raised their voices in "God Bless America." Despite all they have seen and suffered they are still true believers, good patriots. I tried to suppose that this was meant as irony, but *The Deer Hunter* is not notable for its use of that civilized, self-admonishing device.

There are others—*Days of Heaven*, for example—but these days the pictures that you can expect will have money lavished on them with the abandon of Cecil B. De Mille constructing a Biblical extravaganza are the period crime entertainments, particularly those involving public transportation. The most recent one is *The Great Train Robbery*, directed by Michael Crichton and adapted by him from his novel of the same name.

The story, Crichton assures us, is based on fact—the 1855 theft from the London-Folkestone Express of gold ingots worth 12,000 pounds sterling, a monthly shipment by way of Ostend to pay the British troops fighting in the Crimea. As told here, it was an audacious and ingenious robbery, planned over many months by an enigmatic man of apparent quality, Edward Pierce, and carried out at great hazard and in the face of suspicions roused at Scotland Yard by fragmentary rumors from the underworld. Crichton has been at pains to embellish his tale with considerable background information on the society, particularly the seamy society, of mid-Victorian England, and that accounts largely for the opulence of the film. Not only is the train itself meticulously reconstructed (and run across a beautiful stretch of the still-

AUTHORS WANTED BY NEW YORK PUBLISHER

Leading book publisher seeks manuscripts of all types: fiction, non-fiction, poetry, scholarly and juvenile works, etc. New authors welcomed. For complete information, send for free booklet N-5 Vantage Press, 516 W. 34 St., New York 10001

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bucolic Irish landscape) but the director has also had built enormous sets duplicating the Strand ($250,000), the Crystal Palace ($160,000) and an infernal slum, the "Holy Land" ($150,000) which in those days housed and hid a mass of Londoners in subhuman conditions only a stone's throw from Leicester Square and Regent Street. All this involved Crichton in a good deal of reading in the histories of Victorian wealth and savagery; it necessitated whole battalions of players, and it results in a spectacle that is more intelligibly structured, more various and much more picturesque than real panoramas of massed humanity ever are—you may be reminded of the great storybook ballets. Crichton, who previously directed *Westworld* and *Coma*, maneuvers the huge cast with easy authority. Geoffrey Unsworth's photography is as polished as a showroom Cadillac; if anything, the picture shines too much—like a Madame Tussaud diorama.

Sean Connery plays the impassively dangerous Pierce; Donald Sutherland, a virtuoso at impersonating rascals (*M*A*S*H*, Fellini's *Casanova*, etc.), is his safe-cracking first lieutenant, and Lesley-Anne Down, as an actress and Pierce's mistress, is a quick-thinking young woman, professionally adept at accents and disguises. The story, much of it dealing with the problem of locating and duplicating a set of four keys to the bullion safes, builds capably to the climax on the careening train. The adventure ends, a little lamely, I thought, at Folkestone. The book winds up more plausibly (though that's not saying a great deal), but that version would have involved Crichton and his backers in a lot more costly narrative. As it is, Pierce gets his day of irreverent triumph over British judicial pomp, and stages a final caper to send you home praising larceny.

The Great Train Robbery spends a ludicrous amount of money and talent to achieve two hours of idle entertainment—but as entertainment, it stacks up well against the recent, equally lavish Agatha Christie rail and river-boat spectaculars.

Like many films made by dissidents living under a despotism, Darius Mehrjui's *The Cycle* is as much a cry of anger as a work of art. It would not be hard to find technical fault with this account of corruption and squalor in contemporary Iran, but it would be irrelevant to the film's biting expose of the conditions that have led to the current ominous unrest. If there are no real villains in *The Cycle*, there is villainy aplenty.

Briefly, the picture (made from a short story, "The Garbage Dump," by G.H. Saedi) tells of a young man who brings his sick father to a big city hospital and there quickly learns how to transfer himself from the mass of the exploited to the elite of the exploiters. The story is about an illegal blood bank that, with the connivance of the medical staff, sells the hospital blood obtained from derelict, often diseased, donors. The scenes at the blood center are hellish; the city and its surroundings are a wasteland of industrial sprawl; the people with whom the film is concerned are vivid, charming and, with one or two exceptions, utterly amoral. Protest is unavailing, complicity in graft the only path of survival. The Pahlevi regime was thought to be impregnable, and wonder has been expressed at the popular force that overwhelmed it. *The Cycle* is a gauge of the pressures that Savak tried to contain.

The film, made several years ago, was banned in Iran and has only recently been let out of the country. It played for a week at the Public Theater in New York, and is being distributed elsewhere by Icarus Films, 200 Park Ave. South, New York, N.Y. 10003. □

THEATER

HAROLD CLURMAN

Criticism of drama is not equivalent to theater criticism. The theater is not an adjunct of literature: it is a new organism. One does not see a play in segments but contemplates it as a whole. A single element—the script, the acting, the direction, even the setting—may exercise the preponderant weight, but none can work without the others. Thus a poorly written play may at times have greater value on the stage than a superior drama badly acted or misdirected. Pirandello noted this in terse formulation: "In the theatre, the work of the author does not exist any longer." The so-called play (what the dramatist has written) is absorbed into the body of the production which for the spectator is the play.

This basic theater precept upon which I have often expatiated came to mind once again at several new Off Broadway productions: the first, Sam Shepard's *Seduced* (American Place Theater), and the second, a stage version (translated by Sheldon Harnick and Charles Burr) of the well-known French film in song, *The Umbrellas of Cherbourg* (Public Theater), directed by Andrei Serban.

Sam Shepard is a playwright of unmistakable gifts. While his writing generally adheres to realistic forms, it nearly always suggests a quasi-mythical content embodying the disturbed or diseased spirit of contemporary America. There is a strangely evocative eloquence in his scenic metaphors. Like the native ground he envisages, he is undisciplined: he tears impetuously into expression, allowing the chips to fall where they may. Shepard is often inspired, and impels us to go along with him no matter how wayward his reckless drive. There is something of the hopped-up jazz musician in his seeming indifference to rhetorical coherence. I imagine him flinging his manuscripts impatiently over his shoulder, permitting whoever happens to catch them to produce them. His output, in consequence, is abundant and uneven.

Seduced focuses on a billionaire who seems to be modeled on Howard Hughes. He is pictured in his last days, decrepit, but still somehow forceful. He possesses everything but a soul, and for the very lack of it he is all but indestructible. Corrupt, ridiculous and fearsome, he hovers over the universe like a hideous god.

The image (Rip Torn acts him with crackling nasality and ugly power) is fiercely picturesque, yet my first impression of the play was one of weakness. This, I concluded, is one of Shepard's failures. But as I left the performance I began to wonder. Hadn't the production been set in the wrong key? It was all too overt, too plain, too raucous and crude, entirely without mystery or "legendary" dimension. Jack Gelber's direction is devoid of interiority, shadow, the grotesque. *Seduced* might be transformed into a much better play if someone were to stage it in an entirely different mode.

Almost the opposite is true of Andrei Serban's *Umbrellas of Cherbourg*: the direction is admirable, the total event deficient. Serban is a virtuoso: he has an amazing eye, and consummate craftsmanship in the theater's physical aspects. With relatively reduced means, he manages to create some exquisite stage sights. Deprived of the ample resources of color which were so meaningful an ingredient of the film, Serban

ADVERTISE IN
THE NATION.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nevertheless endows his staging with delicate chromatic expressiveness.

For all that, only vestiges of the film's quality remain. The icing on the cake is pretty but there is very little cake. This is partly due to the change of medium. In the film, the actors' voices could be dubbed at the proper lento pace so that every word was clear; on stage, the rush of the brief scenes renders some of the text unintelligible, and the gentle, melancholic tone, essential to the mood of the piece, becomes dissipated. The "slowness" of the film, which created its penetrating atmosphere of provincial desolation—the very core of the supersentimental tale—evaporates. We do not sufficiently feel the sadness of the little people enveloped in the dusky, rain-soaked town. What made the film touching was that, for all its "village" narrowness, the rich inner texture of the people's lives, conveyed through the warm hue of the very fruit on the table, the substantial furniture, the flowers, the coverings on the walls, etc., gave depth to what might otherwise have struck us as a most banal narrative. I am inclined to believe that it is only the memory of the original which makes the present production retain some of its affective hold.

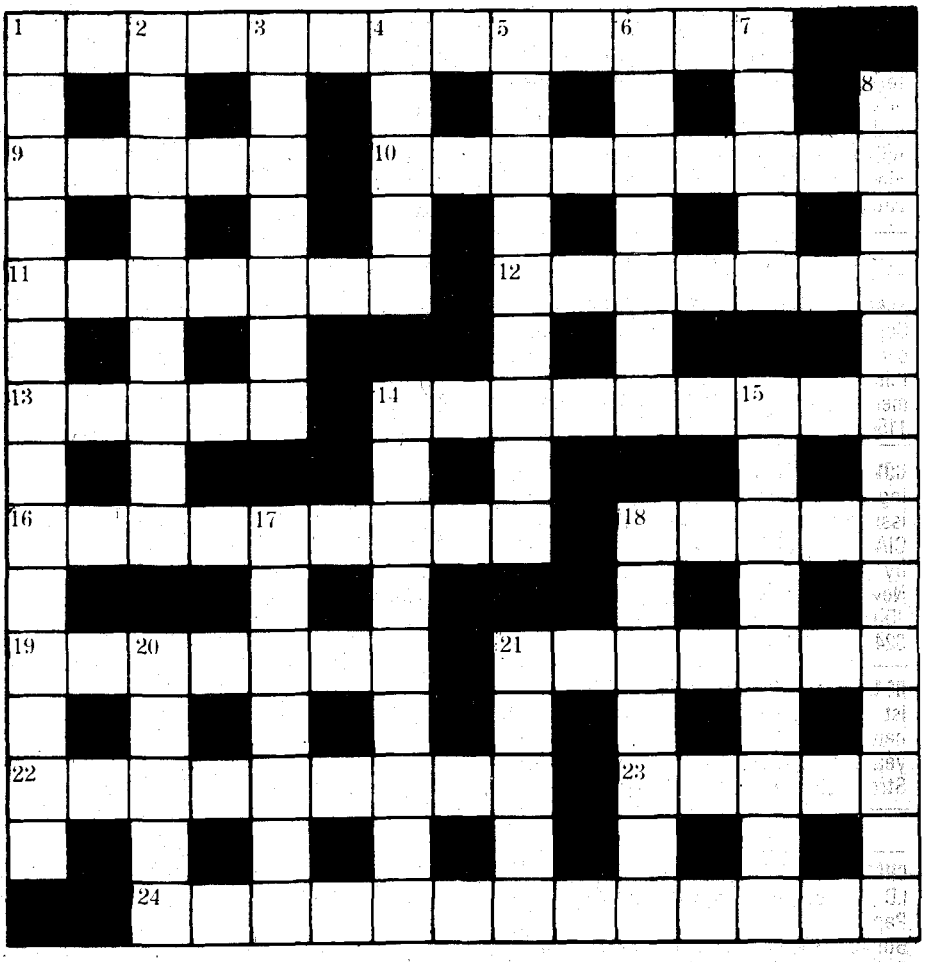
The hurried American pop music tempos and the actors' generally wispy voices provide only a residue of the original score which, by the way, seems to have been built on a single endlessly repeated melody. The women in the cast are on the whole more successful than the men. Stefanianne Christopherson improves in looks and performance as she gets older in the play, and there is an aura of tenderness in Maureen Silliman's performance as the modestly appealing girl who marries a young man bereft of his first love.

If Larry Cohen's *Trick* (Playhouse Theatre) were not so preposterous a murder melodrama and if I were better disposed to that type of entertainment, I would recommend it for its cast. The men—Donald Madden and Lee Richardson—are very good, and Tammy Grimes is superb. She affords the signal pleasure of the occasion.

Ms. Grimes is deliciously wicked and devilishly witty, with a guile and flash which in themselves make her fabulously attractive. She sparkles with mischief. She charms by a special hardness which cannot be described as evil: it supersedes morality and becomes devastatingly alluring. She spreads ruin with coruscating splendor. Her performance is one of the best of the season. □

Crossword Puzzle No. 1762

FRANK W. LEWIS



ACROSS

1 Her age might be associated with a slight stuffiness. (5,8)
9 Such things as Mendelssohn wrote in one short month—and in French, as well. (5)
10 Uncultivated and black, as they say—one might allow some advance. (4,5)
11 Pain, sir, should no longer be obvious with it! (7)
12 Perhaps a stage setting's essential to have a little food or drink—acts in a supporting role, too. (5,2)
13 I consider this mad! (5)
14 Pot for oil broken in case of papers, etc. (9)
16 What the extremely self-conscious person might think of. (6,3)
18 Grab by the throat? The insecure do it frequently. (5)
19 One who is critical of the commercial, as we deem. (7)
21 One way to make money about the sort of ware some have on the table. (7)
22 What he had in change should be worth a lot. (4,5)
23 A place to stay very warm, with the Spanish. (5)
24 One is unlucky to be so by mischance face-downward. (8-5)

DOWN

1 What one gets for a short Shakespearean recitation? (Half of them, ditto!) (9,5)
2 Is the place most upset by what might be medium outpouring? (9)
3 It bore nothing for the kids to sing about! (3,4)
4 Is one's state corny, as he somewhat proudly sings? (5)
5 It's magnoliaceous, to make the title pure. (5,4)
6 Steals, as they say, what used to be tears at the bottom. (4,3)
7 One of these is against something (at least sort of against, finally) but has the makings of a saint. (5)
8 Music arranged for harp, only busied as a result. (8,2,4)
14 Went along with the paid player being given a special spot, by the sound of it. (9)
15 Popular ending to an unpopular part of the city movement, possibly. (9)
17 Polemic and totemic—peculiar to certain people. (7)
18 What do some people do on Saturday or Sunday? Pull up to the boat! (7)
20 Such a body always seems to be filled with what sounds like kernels! (Unless generally packed!) (5)
21 In town, you'll find out how some foreigners eat. (5)

SOLUTION TO PUZZLE NO. 1761

ACROSS: 1 Hornpipe; 5 Amused; 9 Assagai; 10 Hostage; 11 Stannic; 12 Opiates; 13 Police officer; 15 Catch in the act; 21 Whereto; 22 Lactose; 23 Introit; 24 Acerose; 25 Goring; 26 Adherent. DOWN: 1 Hoarse; 2 Restamp; 3 Paginal; 4 Prince consort; 6 Mastiff; 7 Spastic; 8 Dressers; 10 Hook of Holland; 14 Scowling; 16 Theater; 17 Hoedown; 18 Accrete; 19 Twosome; 20 Reject.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CLASSIFIED.

Go National with The Nation's Classifieds: You can reach a large audience of discriminating, educated and concerned readers throughout the United States at very reasonable rates. We charge $3 per line (45 characters or spaces)—two line minimum. Take advantage of our special offer: place an order for three insertions of your ad, and we will print a fourth insertion free! Please enclose payment and send to Lindsey Weinaub c/o The Nation.

PERIODICALS

BLACKMAILING THE CONSTITUTION via a Federal Constitutional Convention Threat, the Concerned Person's Monthly Newsletter. 18 pages this issue - $2.45. Yrly. sub. $18.00. Morris Kramer Reports, Box 444N, Atlantic Beach NY 11509.

COVERTACTION INFORMATION BULLETIN. Exposing the CIA; with Philip Agee and others. Six issues/$10. (SA, Eur/$16; Asia, Afr/$18—air). CIAB, Box 50272, Washington D.C. 20004. Specify commence with #2 or #3 (current). SPECIAL: New subscribers may simultaneously order "Dirty Work: The CIA in Western Europe" (list $24.95) for $14.95.

READ THE GUARDIAN—newsweekly gives Marxist viewpoint on national and international news. Special 6-week trial subscription, $1. Full year $17. GUARDIAN, Dept. N. 33 West 17th Street. New York City 10011.

PUBLICATIONS

CHANGE IDENTITY, obtain authentic alternate I.D., disappear, create a new past; "The New Paper Trip" $16.50. Catalog, $1.00. Survival Books, 1108 Magnolia Blvd., North Hollywood, California 91601. (213) 763-0804.

THOUGHT PROVOKING, mind stretching spiritual guide, BOOK OF LIGHT. $2.60 ppd. Emmons, 1720 S. King Av, Lakeland, Fl. 33803.

"The Nature and Evolution of Female Sexuality," by Mary J. Sherfey, M.D., $2.50 postpaid; or, $1 deductible for our NEW, expanded catalog of liberating books and vibrators. EVE'S GARDEN, 246 E. 51st St., N.Y., N.Y., 10022. Open Mon.-Sun. (212) 755-0148.

READ THE HOTTEST BOOK IN THE TAX REVOLT MOVEMENT. "The Biggest Con: How the Government is Fleecing You," by Irwin Schiff. 368 blistering pages. "Hard to refute"—Wall St. Journal. "Forceful indeed"—Publishers Weekly. "Required Reading"—Jewish Press. Send $6.50 to Freedom Books, P.O. Box 5303-A, Hamden, CT 06518.

BUSINESS OPPORTUNITIES

DISTRIBUTE RAND MCNALLY ROAD MAPS . . . High Profits . . . Low Wholesale Prices . . . Dealerships available . . . AmeriMap, 734 Marquette Bank Building, Rochester MN (507) 288-6477.

POETRY

NO, no! go not to Lethe...Instead, why don't you sign up for the Sad Poets Series. Nation Box 11.

POSITIONS AVAILABLE

EXECUTIVE SECRETARY
Executive Secretary to Mayor Richard Gordon Hatcher of Gary, Indiana. Position requires skills and exp. in handling press relations, speech writing, corr., etc. Exec. Sec. heads a 4 person office (2 secretarial, 2 community relations specialists), and is a member of the Mayor's Cabinet. Salary: in the area of $20,000. Must live in Gary. Gary is located on the shores of Lake Mich., adjacent to the Dunes Nat'l Lake Shore & less than 45 mins from Chi. Please direct inquiries, or a resume & references to: Ms. Charlotte Johnson, Director of Personnel, Rm. 200, City of Gary, City Hall, 401 Broadway, Gary, Ind. 46402., with copies to acting Exec. Sec.

SOCIALIST REVIEW is seeking a full time managing editor. Tasks include developing and coordinating promotional, fundraising, and business activities; writing; and editorial work. Closing date for applications is March 15. Write for details: 4228 Telegraph, Oakland, CA. 94609.

FRAME SHOP, GALLERY. L.A. Cal. Stable, w/potential. Capable person or couple can handle. Not sinecure. Will train. Write Nation Box 58.

SERVICES

WASHINGTON FACT FINDERS provides information and document retrievals from Washington, D.C. 3114 Rittenhouse St. N.W. Washington, D.C. 20015. Tel. (202) 244-4539.

ASSOCIATIONS

The Society of Evangelical Agnostics. Information: Box 612N, Fresno, CA 93709.

BUMPER STICKERS

ANTI-NUCLEAR T-SHIRT, BUTTONS, B'STICKERS, STAMPS, etc., & Custom printing. Free list. Donelly, Box 271-N, New Vernon, NJ 07976.

VACATIONS

CASA ANDORRA, CULEBRA IS. Between P.R. and St. Thomas. Ideal: swimming, snorkeling, hiking. Fully equipped Waterfront homes. $200-275 a wk for up to 6 people. Box 526, Bronxville, N.Y. 10708.

UNUSUAL GIFTS

HIGHEST SMOKING DELIGHT, Beautiful porcelain pipes by Calif. Ceramist. Collector quality, exciting styles. Send $1 (applies to order): J. Galoway, 433 Locust, Santa Cruz, CA 95060.

CROSSWORDS

MEDICAL CROSSWORD PUZZLES. New! Challenging! 100 pp. puzzles, quizzes. $2.95 from Medical Crosswords. Box 99187 (N), San Fransisco, CA 91409.

CUSTOM CROSSWORDS
Individually made for your conventions, retreats, anniversaries, family occasions! Personalized terms, names, in-jokes, etc. Camera-ready. Write: Custom Crosswords, Carol Bly, NR Odin House, Madison. Minnesota 56256.

RECIPES

THE ANARCHIST COOKBOOK $8.75. Catalog, $1.00. Survival Books, 1108 Magnolia Blvd., Dept. NAT, North Hollywood, California 91601 (213) 763-0804.

Minnesota State Fair Blue Ribbon Banana Nut Bread (Super Moist). Fabulous No-Roll Sugar Cookies. SASE. $1.00 Write Nation Box 38.

Superb Chocolate Mousse. $1.00. SASE. Write Nation, Box 20.

Savoy Trifles and Sally Lunn Cakes. Send $1.00 and self-addressed stamped envelope to The Nation, Box 20.

Backyard Booya—A Midwestern Tradition. Send $1.00 and stamped, self-addressed envelope to Nation Box 39.

Extra Luscious Sky High Lemon Meringue Pie. Send $1.00 and S.A.S.E. To Nation Box 41.

PERSONALS

GAY-BI PERSONAL ADS magazine $3.00 Ads 25¢ per word; "**LOVE TIMES**" Box 15607 TN Honolulu, HI 96815.

SINGLE BOOKLOVERS gets cultured, single, widowed or divorced acquainted. Est. 1970. Nationwide. Box AE, Swarthmore, PA 19081.

MAN, 28, Columbia Journalism grad, enjoys reading anything not between hard covers. Seeks female companionship for springtime Eastern seashore junkets. Reply Nation Box 46.

I AM A GUIDANCE COUNSELOR, woman, 37, and have been dispensing sympathy all my professional life. Now it's time for someone to sympathize with me. Could you be the one? Reply Nation Box 44.

HANG-GLIDER, mountaineer, free-faller, geologist, PhD, early forties, seeks companionship with woman who loves fresh air and natural physical adventures of all kinds. Reply Nation Box 25.

Looking for a friend, male or female, 40s, with whom I can attend cultural events (plays, dance, opera) in NYC. I am a recent Widower with time on my hands. Reply Nation Box 50.

Young lady, 24, finds that Gibbon's "Decline and Fall of The Roman Empire" goes round and round like a roll of oil cloth and that most people's hearts are like old pieces of shoe leather. Lonely and sensitive from a retiring sort of life, seeks a companion to steal down country lanes when the room gets hot. Reply Nation Box 24.

Lawyer, mid-thirties, looking for a level-headed woman with MA. Reply, Nation Box 13.

MISCELLANEOUS

POLITICAL INTELLECTUALS will appreciate the simple process that extracts THC-loaded resin from the vegetable w/o using chemicals or screens. Easy directions for $2 & s.a.s.e. Bleak-Ent., P.O.B. 521, S.L.O., CA. 93406.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Sen. James Abourezk,
Bella Abzug, Julian Bond, Norman Cousins,
Clay Felker, Milos Forman, Joseph Heller,
Cong. Elizabeth Holtzman, Vernon Jordan,
Jerzy Kosinski, J. Anthony Lukas,
Sen. George McGovern, Joseph Papp,
Sen. William Proxmire, Gail Sheehy,
I.F. Stone, Tom Wicker **read it.**

Cesar Chavez, Ramsey Clark, Fred Co
Harold Clurman, E.L. Doctorow,
Jules Feiffer, Frances FitzGerald,
John Kenneth Galbraith, Ralph Nad
Marcel Ophuls, Octavio Paz,
Nora Sayre, Studs Terkel,
Kurt Vonnegut, Jr. **write it.**

FEB 20 1979
0879
-2
14 1378
SHERROD LIB
PERIOD DEPT
E TENN ST UNIV

Victor Navasky **edits it.**

We've changed the face of The Nation. The new Nation is something to see.

Why is today's Nation, from editorial to the arts, wiser and wittier than anything in the field? The answer is in the people who read it, write it, and edit it.

Join them. Say "yes" to our enticing offer in the coupon.

The Nation.

333 SIXTH AVENUE, NEW YORK, N.Y. 10014

YES! Send me six months (24 issues) of The Nation at the low introductory rate of $8.95. I understand I may cancel at any time and receive a prompt refund for all undelivered copies.

☐ I enclose $8.95 For saving you billing costs I will receive four extra issues free.

☐ Enclosed is $21 for one full year (47 issues).

* Add $3.00 (or equivalent U.S. funds) per year for Canada and Mexico, $5.00 (or equivalent U.S. funds) for all other foreign subscriptions.

Name _____
(please print)

Address _____

City _____ State _____ Zip _____

2009

ETSU LIBRARY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED